

**Environmental Impact Statement
and
Site Recommendation
Product Guidance Documents
for
FY01 and Multiyear Planning**



**April 1, 2000
Revision 01**

Department of Energy

Environmental Impact Statement Product Guidance Document Supporting Multiyear Planning

**April 1, 2000
Revision 01**

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LIST OF ACRONYMS

ACNW	Advisory Committee on Nuclear Waste
ACGIH	American Conference of Government Industrial Hygienist
ADP	automated data processing
AECL	Atomic Energy of Canada Limited
AIRFA	American Indian Religious Freedom Act of 1978
ALARA	as low as reasonably achievable
AM	Assistant Manager
AM/OD	Assistant Manager/Office Director
AMR	Analysis and Modeling Report
AP	administrative procedure
AR	administrative record
ASCII	American Standard Code for Information Interchange
ATDT	automated technical data tracking
AUG	affected units of government
BCP	Baseline Change Proposal
BLM	Bureau of Land Management
BMOP	Business Management Oversight Program
BN	Bechtel Nevada
BNI	Bechtel National, Inc.
BOP	Balance of Plant
BWIP	Basalt Waste Isolation Project
BWR	boiling water reactor
CA	construction authorization
CAB	Corrective Action Board
CAR	corrective action request
CASS	cost and schedule status
CBT	computer-based training
CCB	Change Control Board
CCTV	closed-circuit television
CD	compact disc
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CIAC	computer incident advisory capability
CIO	Chief Information Officer
CIRS	Condition Identification and Reporting/Resolution System
CM	configuration management
CMM	Capability Maturity Model
CMO	Construction Management Office
COO	conduct of operations
COR	Contracting Officer's Representative
COR/TM	Contracting Officer's Representative/Technical Monitor
COTS	commercial off-the-shelf
CPR	Cost Performance Report
CQ	conventional quality
CR	change request

CRD	Comment Response Document
CRWMS	Civilian Radioactive Waste Management System
CWBS	Contractor Work Breakdown Structure
DBE	design basis event
DCC	Document Control Center
DEAR	Department of Energy Acquisition Regulation
DIE	Determination of Importance Evaluation
DIRS	document input reference sheet
DOE/NV	Department of Energy/Nevada Operations Office
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
DPC	documentation of program change
DR	deficiency report
DRI	Desert Research Institute
DST	drift-scale test
DTN	data tracking number
EA	Environmental Assessment
EBS	engineered barrier system
ECRB	Enhanced Characterization of the Repository Block
EDA	Enhanced Design Alternative
Eh	oxidation/reduction potential
EH	Environment, Safety, and Health Program Office
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
ES&H	environmental, safety, and health
ESF	Exploratory Studies Facility
FEHM	finite element heat and mass
FEP	features, events, and processes
FFTF	Fast Flex Test Facility
FHWA	Federal Highway Administration
FIMS	Facility Information Management System
FIS	Financial Information System
FLPMA	Federal Land Policy and Management Act of 1976
FOIA	Freedom of Information Act
FR	Federal Register
FTP	file transfer protocol
FWS	Fish and Wildlife Service
FY	fiscal year
GAO	Government Accounting Office
GC	General Counsel
GIF	graphic interchange format
GIS	Geographic Information System
GPO	Government Printing Office
GPS	global positioning satellite

GTCC	Greater than Class C
GSA	General Services Administration
HCA	Head of Contracting Activity
HEU	high enriched uranium
HLW	high-level waste
HP	hydrological procedure
HRC	Harry Reid Center
HRCQ	highway route controlled quantity
HRF	Hydrological Research Facility
HTML	hypertext markup language
HVAC	heating, ventilation, and air conditioning
IA	Information Architecture
IAB	Information Architecture Baseline
IAF	Information Architecture Framework
ICD	Interface Control Document
ICE	independent cost evaluation
ICN	Interim Change Notice
IDP	individual development plan
IG	Inspector General
III	Integrated Information Infrastructure
IM	information management
IPS	integrated project schedule
IRSR	Issue Resolution Status Report
ISA	integrated safety analysis
ISM	integrated safety management
ISMS	Integrated Safety Management System
ISO	International Standards Organization
ISP	Information Security Program
ISRI	Information Science Research Institute
IT	information technology
KTI	key technical issue
LA	License Application
LADS	License Application Design Selection
LAMP	License Application Management Plan
LAN	local area network
LANL	Los Alamos National Laboratory
LCAM	life cycle asset management
LCC	life cycle cost
LOE	level of effort
LLNL	Lawrence Livermore National Laboratory
LRE	latest revised estimate
LRP	long-range plan
LSN	Licensing Support Network
M&A	management and administration
MAN	metropolitan area network
MC&A	Material Control and Accountability

MGR	Monitored Geologic Repository
MGR-RD	Monitored Geologic Repository Requirements Document
M&O	Management and Operating Contractor
MPR	Manager's Project Review
MSDS	Material Safety Data Sheets
MTHM	metric tons of heavy metal
MTS	Management and Technical Support Contractor
NAC	Nevada Administrative Code
NAGPRA	Native American Graves Protection and Repatriation Act
NARA	National Archives and Records Administration
NAS	National Academy of Sciences
NCE	Network Computing Environment
NCEWDP	Nye County Early Warning Drilling Program
NDE	nondestructive evaluation
NDI	not developed in-house
NEI	Nuclear Energy Institute
NEPA	National Environmental Policy Act of 1969
NeTi	Nevada Testing Institute
NFE	near-field environment
NIPC	National Infrastructure Protection Center
NMSS	Office of Nuclear Materials Safety and Safeguards
NPS	National Park Service
NRC	Nuclear Regulatory Commission
NRS	Nevada Revised Statute
NTS	Nevada Test Site
NUREG	Nuclear Regulatory Commission regulation
NV	Nevada Operations Office
NWF	Nuclear Waste Fund
NWPA	Nuclear Waste Policy Act of 1982
NWTRB	Nuclear Waste Technical Review Board
OCI	organizational conflict of interest
OCR	optical character reader
OCRWM	Office of Civilian Radioactive Waste Management
ODC	other direct costs
OIT	Office of Information Technology
OLRC	Office of Licensing and Regulatory Compliance
OMB	Office of Management and Budget
OPE	Office of Project Execution
OPPD	Office of Civilian Radioactive Waste Management Program Procedures Database
OPRRS	Office of Civilian Radioactive Waste Management Program Records Retention Schedule
ORPS	Occurrence Reporting Processing System
OSCR	Occupational Safety Compliance Report
OSHA	Occupational Safety and Health Administration
PA	performance assessment
PAA	project accumulation area
PACS	Planning and Control System
PAPR	performance assessment peer review
PC	personal computer

PC	performance confirmation
PDD	Project Description Document
PDF	portable document format
PDS	Plant Design System
PETT	payments-equal-to-taxes
pH	hydrogen ion concentration potential
P&ID	piping and instrument diagrams
PL	Public Law
PLO	Public Land Order
PM&I	Program Management and Integration
PMR	Process Model Report
PORB	Project Operations Review Board
PPE	personal protective equipment
PR	Progress Report
PSIR	Program Status and Issues Review
PSS	project summary schedule
PST	Pacific standard time
PVAR	process validation and reengineering
PWR	pressurized water reactor
Q	quality
QA	quality assurance
QAMA	Quality Assurance Management Assessment
QAP	Quality Assurance Procedure
QARD	Quality Assurance Requirements and Description, DOE/RW-0333P
QATSS	Quality Assurance Technical Services Support
QL	quality level
RC	Regulatory Compliance
RCA	radiological controlled area
RCRA	Resource Conservation and Recovery Act of 1976
RD	Requirements Document
RDD	Reference Design Document
RDMS	Records Data Management System
REKA	Rapid Evaluation of K and Alpha (thermal probe method)
RFA	regulatory flexibility analysis
RIB	Reference Information Base
RIS	Records Information System
R&L	Regulatory and Licensing Group
RME	reasonably maximally exposed
ROW	right-of-way
ROWR	Right-of-Way Reservation Agreement
RPC	Records Processing Center
RPP	Radiological Protection Program
RRSD	Repository Reference System Description
RSIS	RS Information Systems
RSS	Repository Safety Strategy
RTN	Requirements Traceability Network
SAA	satellite accumulation area
SAR	Safety Analysis Report

SDD	System Description Document
SEPDB	Site and Engineering Properties Database
SER	Safety Evaluation Report
SL	Seismological Laboratory
SME	subject-matter expert
SMF	Sample Management Facility
SNF	spent nuclear fuel
SPT	Special Project Team
SR	Site Recommendation
SRCR	Site Recommendation Consideration Report
SRD	Software Requirements Document
S/RID	Standards/Requirements Identification Document
SSC	structure, system, or component
SSMP	Strategic System Management Policy
STR	Seismic Topical Report
SZ	saturated zone
T&E	test and evaluation
TBD	to be determined
TBV	to be verified
TBX	to be determined/to be verified
TCO	Test Coordination Office
TDIF	Technical Data Information Form
TDMS	Technical Data Management System
TER	Title III Engineering Report
TGD	Technical Guidance Document
TH	thermal-hydrological
THC	thermal-hydrological-chemical
THM	thermal-hydrological mechanical
THMC	thermal-hydrological-mechanical-chemical
TIC	Technical Information Center
TIMS	Technical Information Management System
TM	Technical Monitor
TOC	table of contents
TRIGA	Training Research Isotopes General Atomics
TSLCC	total system life cycle cost
TSLCC-SR	Total System Life Cycle Cost for the Site Recommendation
TSPA	Total System Performance Assessment
TSPA-LA	Total System Performance Assessment for the License Application
TSPA-SR	Total System Performance Assessment for the Site Recommendation
TSPA-VA	Total System Performance Assessment for the Viability Assessment
UCCSN	University and Community College System of Nevada
UCF	uncanistered fuel
UIC	underground injection control
UNLV	University of Nevada at Las Vegas
UNR	University of Nevada at Reno
USAF	United States Air Force
USC	United States Code
USGS	United States Geological Survey
USNC/RM	U. S. National Committee for Rock Mechanics

UZ	unsaturated zone
VA	Viability Assessment
VAR	Variance Analysis Report
VPP	Voluntary Protection Program
VRML	virtual reality markup language
WAN	wide-area network
WBS	work breakdown structure
WHB	Waste Handling Building
WP	waste package
WPO	Waste Package Operations
WSI	Wackenhut Services, Inc.
YAP	Yucca Mountain Site Characterization Project Administrative Procedure
YMP	Yucca Mountain Site Characterization Project
YMRP	Yucca Mountain Review Plan
YMSCO	Yucca Mountain Site Characterization Office
YMSD	Yucca Mountain Site Description

ENVIRONMENTAL IMPACT STATEMENT PRODUCT GUIDANCE DOCUMENT

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ENVIRONMENTAL IMPACT STATEMENT

PRODUCT GUIDANCE DOCUMENT

1.0 INTRODUCTION

The NWPA, as amended, requires that an EIS be prepared to support a decision on the suitability of the Yucca Mountain site for development as a repository. This is identified by the NWPA, as amended, as a “major federal action” by the DOE. The NWPA, as amended, also requires that the EIS prepared by DOE be adopted by the NRC in “connection with a construction authorization and license” to the extent practicable.

1.1 Product Definition

The EIS product encompasses subproducts, elements, and work activities that must be planned and executed to support completion of a draft EIS, final EIS, AR, Mitigation Action Plan, and any activities associated with the creation of a decision document related to the EIS.

Major activities in the EIS product include developing, preparing, and issuing the draft EIS and final EIS documents to ensure that the activities mandated by the NWPA, as amended, are conducted in compliance with the requirements of the NEPA, Council on Environmental Quality regulations, and DOE NEPA implementation regulations.

The draft EIS was issued in FY99 and is not discussed in this document.

NEPA documentation will include conducting impact analyses and developing the final EIS to assess the environmental impacts associated with the disposal in a MGR of SNF and HLW generated from civilian and defense nuclear activities. In addition to the proposed action, two inventories will be evaluated under cumulative effects, and two no-action scenarios will be assessed. Also, impacts will be assessed from national and Nevada transportation. The final EIS will build upon the draft EIS and will incorporate the results of the public comment period. This includes ensuring that the final EIS reflects responses to public comments. In addition, as part of the final EIS, a CRD will be prepared to document DOE’s responses to public comments on the draft EIS. In preparing the final EIS, authors will draw primarily from information and data generated to date by other DOE contractors and consulting agencies and from analyses used to prepare the final EIS. Additional analyses may be required to adequately respond to comments and to complete the final EIS. Assistance also will be provided to support additional data needs and develop additional documentation to support the final EIS and NEPA processes. DOE and the M&O will keep the EIS contractor informed of changes to designs, TSPA, and technical and scientific aspects that may affect the impact analyses.

Work planned will focus on collecting public comments, preparing responses to those comments, and documenting the comments in the CRD, as well as preparing the final EIS to ensure that it reflects the responses to public comments. In addition, DOE will prepare materials to support preparation of a Record of Decision and Mitigation Action Plan, if necessary. DOE also will conduct additional analyses, if necessary, to ensure that the SR analyses are reflected adequately by the final EIS for the proposed action and two additional inventory modules.

The NWPA, as amended, requires the NRC to adopt, to the maximum extent practicable, the DOE final EIS prepared in support of SR. DOE will provide coordination with the NRC in addressing questions and issues raised during the process. Ongoing ES&H support will be provided, as necessary, for additional

data acquisition and analyses required to complete the process. Topical areas addressed by this task include NEPA coordination and compliance, environmental and radiological studies and compliance, land access/land use, terrestrial ecosystems, socioeconomics, and environmental justice.

In addition to public review, the final EIS will undergo review by the DOE Program Offices that interface with the OCRWM Program.

As a matter of definition, this planning document uses the terms preliminary final EIS and final EIS. The final EIS is considered to be the preliminary final EIS until the document is signed and ready for printing, at which time it becomes the final EIS.

1.2 Objectives

The overall objectives of the EIS product, subproducts, and elements are twofold. The primary objective is to meet a compliance requirement—specifically, prepare a technically adequate EIS that can be adopted, to the extent practicable, by NRC, and develop an EIS that is in compliance with the NWP, as amended; NEPA; Council on Environmental Quality; and DOE regulations and is consistent with NRC regulations.

The secondary objective is to preserve the flexibility of the program by fully and adequately representing the repository concept as it exists today and as it may evolve as the project moves toward licensing and by allowing design decisions to be made by designers.

To fully develop these objectives, it is important to understand that NEPA requires DOE to *consider* environmental effects, but does not *dictate* a choice of action, and NEPA does not require an agency to choose the most environmentally preferred alternative.

1.3 Schedule/Milestones

All FY01–FY04 Level 0, Level 1, and Level 2 milestones associated with the EIS product and its subproducts are discussed in the Yucca Mountain PSS Milestone Description and Supporting Information documents, which are considered an integral part of this document. Level 3 deliverables are presented in the Element and Deliverable Definition Sheets that also are considered an integral part of this document.

1.4 Additional Bases for Planning

The following subsections provide specific and detailed guidance that must be used in conjunction with the specific guidance and requirements defined in the product and subproduct definitions and in the Element Definition Sheets appended to this document. These subsections provide the overall framework for defining the work scopes, as well as some global expectations for content and deliverables.

1.4.1 General Bases for Planning

The following general bases should be used for planning:

- Use the design basis for the SR as the planning basis for design, as transmitted in Letter No. OPE:PGH-0559, Direction to Prepare CR to Delete Backfill From Design Basis for SR, J. R. Dyer to D. R. Wilkins, January 24, 2000.

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- Assume that the design does not change from the design represented in the J. R. Dyer letter, as provided in updates to the engineering files delivered as Level 3 deliverables to the EIS Product Manager in FY00.
 - Use the *M&O Waste Package and DOE Canister Inventory* and *Commercial and DOE SNF Waste Stream* documents plus a new document that will be developed and completed in FY00 as the basis for SNF and HLW inventory, characteristics, and transport timing. The new document will be issued in FY00, will detail the blending that will be necessary using the yearly waste stream as input, and will provide as output the number of waste packages as the basis for SNF and HLW inventory, characteristics, and transport timing.
 - Assume the TSPA calculations for the final EIS, SRCR, and SR Report will use the design basis for the SR, as transmitted in Letter No. OPE:PGH-0559, Direction to Prepare CR to Delete Backfill From Design Basis for SR, J. R. Dyer to D. R. Wilkins, January 24, 2000; the M&O documents listed in the previous bullet; and the geological/hydrological conditions specified in the YMSD, Revision 01.
 - Assume the TSPA feed to the final EIS occurs in FY01 at the same time as the TSPA feed to the SR final report (December 15, 2000).
 - Assume the final TSPA-SR, Revision 01, document is issued no later than April 14, 2001.
 - Assume DOE will issue the YMSD, Revision 01, no later than September 30, 2000.
 - Assume no supplement to the draft EIS will be required.
 - Assume no supplemental analysis document will be required prior to the issuance of the final EIS.
 - Use June 2001 as the release date for the final EIS.
 - Apply all bases identified in the EIS Assumptions and Analysis Bases Document to planning for FY01–FY04. If changes to the EIS Assumptions and Analysis Bases Document are required, assume the revision is made in FY00.
 - Assume both YMSCO and the Complex/RW will review the CRD during FY00.
 - Assume the Management Council will conduct their review of the CRD as a separate document in early FY01.
 - Assume the YMSCO/site review of the preliminary final EIS will occur in FY01.
 - Assume the Management Council Executive/Committee review of the preliminary final EIS will occur in parallel during FY01.
 - Assume that the cutoff date for new information into the final EIS is September 15, 2000, unless agreed to separately.
 - Assume the EIS uses the same (or bounding) data sets as the SR and the EIS Product Manager is informed of updates/new information within agreed-to schedules.
 - The final EIS will be delivered as a consistent companion document with the SR.

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- Assume that public comments do not require major reanalysis to the draft EIS.

1.4.2 Process for Review of the Preliminary Final EIS Bases for Planning

The following review process should be used for the preliminary final EIS bases for planning:

- Assume that reviews will be limited to only those parts of the document affected by public comment changes or to changes required due to availability of new information.
- The YMSCO and Complex/RW reviews are to be in parallel. There will be five reviews:
 - YMSCO/Complex/RW review for the CRD (FY00).
 - Management Council review for the CRD (FY01).
 - YMSCO/Complex/RW review for the preliminary final EIS (FY01).
 - Management Council review for the preliminary final EIS (FY01).
 - Executive Committee review of the combined document (FY01).
- If the specific text of the preliminary final EIS has not changed and the bases for that text have not changed, a new review is not required.
- The Executive Committee will receive the entire preliminary final EIS for review (with the CRD) once.

1.4.3 Printing of the Final EIS Bases for Planning

The final EIS bases for planning will be printed in accordance with the following:

- A minimum of four weeks will be allowed in the final EIS issuance schedule at all times for the GPO to print and distribute the final EIS.
- Printing of the final EIS must be completed, and copies must be distributed at least one week prior to the FR Notice being issued (required by the EPA and ES&H).

2.0 REQUIREMENTS AND COMMITMENTS

The following subsections identify the statutes and regulations that establish or affect the authority to propose, license, and develop a geologic repository. Requirements and commitments governing the EIS product, subproducts, and elements are discussed in these subsections and/or are included in the detailed Element Definition Sheets appended to this document.

2.1 NHPA, as Amended (42 USC 10101-10270)

The NHPA, as amended, directs DOE to evaluate the suitability of Yucca Mountain in southern Nevada as a potential site for a geologic repository for the disposal of SNF and HLW. If the Secretary of Energy determines that the Yucca Mountain site is suitable for that purpose, the Secretary of Energy may then recommend approval of the site to the President. Further, the NHPA, as amended, directs that this SR would constitute a major federal action and that DOE must, therefore, prepare an EIS in accordance with the NEPA. A final EIS must accompany any recommendation to the President to approve the Yucca Mountain site for use as a repository. In addition, as required by NHPA Section 114(f)(4), “any environmental impact statement prepared in connection with a repository proposed to be constructed by

the secretary under this subtitle shall, to the extent practicable, be adopted by the [Nuclear Regulatory] Commission in connection with the issuance by the Commission of a construction authorization and license for such repository.”

2.2 NEPA, as Amended (42 USC 4321, et seq.)

The NEPA requires agencies of the federal government to prepare detailed statements on the potential impacts of proposed major federal actions that could significantly affect the quality of the human environment. DOE has prepared the EIS in accordance with the requirements of NEPA, as implemented by the Council on Environmental Quality regulations (40 CFR 1500–1508) and DOE NEPA regulations (10 CFR 1021) and in conformance with the NWPA, as amended.

2.3 Energy Policy Act of 1992

The Energy Policy Act of 1992 directs the EPA to set site-specific public health and safety radiation protection standards for Yucca Mountain. This law requires the EPA to contract with the NAS to provide findings and recommendations on reasonable standards for the protection of public health and safety. The standards are to be based on and consistent with the findings and recommendations of the NAS (National Research Council 1995). To respond to these findings and recommendations, the EPA will issue a proposed site-specific standard that, when finalized, would be codified at 40 CFR 197.

Following the promulgation of final EPA standards, the Energy Policy Act requires the NRC to modify its technical requirements and licensing criteria (10 CFR 60) to be consistent with the EPA site-specific standards. The NRC will have one year from issuance of the final standards to make these modifications. Existing regulations (10 CFR 60) contain general standards for an authorization to construct a repository, license to operate and monitor a repository, and license to close a repository. A separate set of regulations (10 CFR 63) will contain the NRC’s final site-specific standards.

2.4 Atomic Energy Act of 1954, as Amended (42 USC 2011, et seq.)

The Atomic Energy Act, as amended, provides fundamental jurisdictional authority to DOE and the NRC over governmental and commercial use of nuclear materials. The Atomic Energy Act ensures proper management, production, possession, and use of radioactive materials. It provides DOE the authority to develop generally applicable standards for protecting the environment from radioactive materials. In accordance with the Atomic Energy Act, DOE has established a system of requirements that it has issued as DOE orders.

The Atomic Energy Act gives the NRC specific authority to regulate the possession, transfer, storage, and disposal of nuclear materials, as well as aspects of transportation packaging design requirements for radioactive materials, including testing for packaging certification. NRC regulations applicable to the transportation of radioactive materials (10 CFR 71 and 10 CFR 73) require that shipping casks meet specified performance criteria under both normal transport and hypothetical accident conditions.

2.5 FLPMA (43 USC 1701, et seq.)

The FLPMA governs the use of federal lands administered by the BLM, which is an agency of the DOI. Access to and use of publicly owned lands administered by the BLM are primarily governed by the regulations regarding the establishment of ROWs (43 CFR 2800) and withdrawals of public domain land from public use (43 CFR 2300).

Some implementing alternative branch rail lines, heavy-haul corridors, and intermodal transfer station locations that could be involved in transporting SNF and HLW to Yucca Mountain would cross or occupy land administered by the BLM and would require ROWRs. DOE has obtained ROWRs from the BLM and a concurrence from the USAF for access to the Yucca Mountain site for characterization activities.

To develop a geologic repository at Yucca Mountain, DOE would need to obtain control of appropriate BLM, USAF, and DOE lands in western Nevada. Land withdrawal is the method by which the federal government gives exclusive control of land it owns to a particular agency for a particular purpose. NRC licensing conditions for a repository include a requirement that DOE either own or have permanent control of lands for which it is seeking a repository license, and that lands used for a repository be free and clear of all encumbrances, if significant, such as rights arising under the general mining laws; easements or ROWs; and all other rights arising under lease, rights of entry, deed, patent, mortgage, appropriation, prescription, or otherwise.

The FLPMA, by which the government accomplishes most federal land withdrawals, contains a detailed procedure for application, review, and study by the BLM and decisions by the Secretary of the Interior on withdrawal and on the terms and conditions of withdrawal. Withdrawals accomplished through the FLPMA remain valid for no more than 20 years and, therefore, do not appear to meet the permanency of control required by the NRC.

Only Congress has the power to withdraw federal lands permanently for the exclusive purposes of specific agencies. Through legislative action, Congress can authorize and direct a permanent withdrawal of lands, such as those proposed for the Yucca Mountain repository. In addition, Congress would determine any conditions associated with the land withdrawal.

2.6 EO 11514, NEPA, Protection and Enhancement of Environmental Quality

EO 11514 directs federal agencies to monitor and control their activities continually to protect and enhance the quality of the environment. The order also requires the development of procedures to ensure the fullest practicable provision of timely public information and understanding of federal plans and programs with potential environmental impacts and to obtain the views of interested parties. DOE has promulgated regulations (10 CFR 1021, NEPA Implementing Procedures) and has issued a DOE Order (451.1A, NEPA Compliance Program) to ensure compliance with this EO.

3.0 OVERALL APPROACH AND STRATEGY

The overall approach and strategy to developing the EIS product, draft EIS subproduct, final EIS subproduct, and post-final EIS issuance activities is one of regulatory compliance and product excellence. Development of each EIS product, subproduct, element, and deliverable must progress such that they meet all applicable requirements and, to the extent possible, all commitments made by DOE and to ensure compliance with 10 CFR 1021 and 40 CFR 1500, et seq. They must also progress such that, as required by NWSA Section 114(f)(4), the final EIS can “to the extent practicable, be adopted by the [Nuclear Regulatory] Commission in connection with the issuance by the Commission of a construction authorization and license for such repository.”

Compliance with the requirements and commitments identified in this document are mandatory. Exemptions must be requested and approved in writing by DOE prior to missing any of the requirements or commitments. Further, notice is required well in advance of the potential for a missed requirement or commitment so that alternate actions can be taken to ensure that the requirement or commitment can be met.

In addition, each product, subproduct, element, and deliverable must be developed in an open process such that all affected DOE organizational elements have an opportunity to provide input and comment on the products, subproducts, and elements as they evolve. This open and coordinated process will ensure the highest quality possible.

4.0 EIS SUBPRODUCTS

The EIS product has three major subproducts—the draft EIS, final EIS, and post-final EIS issuance activities necessary to complete the EIS AR and ensure compliance with 10 CFR 1021 and 40 CFR 1500, et seq. These subproducts are discussed in the following subsections. Figure 1 shows the WBS for the products and elements within the EIS product.

4.1 Draft EIS

The draft EIS was issued in FY99 and is not discussed in this revision of the EIS Product Guidance Document.

4.2 Final EIS

4.2.1 Final EIS Subproduct Definition

The final EIS subproduct encompasses all work activities planned to support completion of the final EIS. Major activities for this subproduct include:

- Completion of the reviews of the CRD, which becomes part of the final EIS.
- Preparing the final EIS for issuance in FY01.
- Ensuring availability of a legally defensible AR consisting of the final EIS and any other documents necessary to support the final EIS.

In addition to public review, the final EIS will undergo internal review by the DOE Program Offices that interface with the OCRWM Program. There are two Element Definition Sheets for the final EIS subproduct—one for the M&O contractor and one for the EIS contractor.

4.2.2 Requirements and Commitments

The statutory requirements for the final EIS subproduct are the same as those for the final EIS product. Refer to Section 2.0 and the Element Definition Sheets for details on the statutory requirements, regulatory requirements, DOE orders, OCRWM and YMSCO policy directives, and DOE commitments potentially applicable to the proposed action in the final EIS.

4.2.3 Necessity and Adequacy

Information needs to support necessity and adequacy are included as a LOE within the work scopes or as specific line items within the deliverables identified in this document. No other information needs to support necessity and adequacy have been identified at this time. If such needs are identified in the future, DOE will provide additional direction.

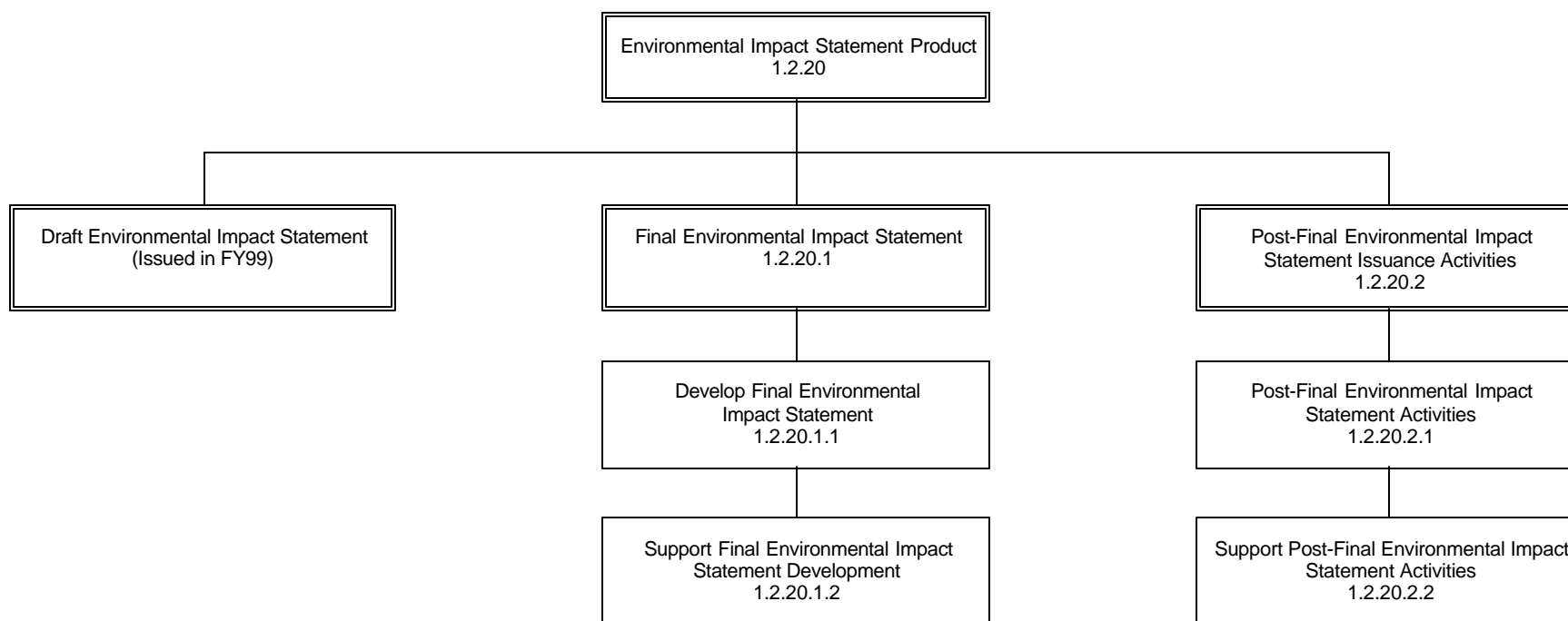


Figure 1. Proposed WBS for the EIS Product

4.2.4 Q Requirements for Subproducts

The final EIS subproduct is designated as a non-Q product. There are no EIS subproducts or elements that are required to be developed as Q for the final EIS. However, this does not preclude the potential that data collected for the final EIS as non-Q may be required or used elsewhere in the program as Q data. Data should be collected at the highest quality level necessary to ensure that they are qualified for the most stringent application known or anticipated.

4.2.5 Expectations and Acceptance Criteria

Expectations and acceptance criteria are provided for each required deliverable or milestone within the description of the statement of work for LOE tasks, deliverables, or milestones. Complete descriptions of these statements of work, deliverables, or milestones are provided throughout this EIS Product Guidance Document.

4.3 Post-Final EIS Issuance Activities

4.3.1 Post-Final EIS Subproduct Definition

The post-final EIS issuance activities subproduct encompasses all work activities planned to support completion of the draft and final EIS ARs, issuance of the Mitigation Action Plan, and development of materials needed to support a decision document. Major activities for this subproduct include:

- Issuing the Mitigation Action Plan in FY02.
- Performing additional analyses needed to determine whether the final EIS needs to be supplemented in light of new or changing information and/or circumstances.
- Supporting NRC adoption of the final EIS.

Major objectives for this subproduct include:

- Ensuring that commitments are identified and tracked.
- Ensuring compliance with 10 CFR 1021 and 40 CFR 1500, et seq.
- Ensuring that the AR is complete.
- Ensuring that the final EIS is adequate for adoption by the NRC.

There are two Element Definition Sheets for the post-final EIS subproduct—one for the M&O contractor and one for the EIS contractor.

4.3.2 Requirements and Commitments

The statutory requirements for the post-final EIS issuance activities subproduct are the same as those for the EIS product. Refer to Section 2.0 and the Element Definition Sheets for details on the statutory requirements, regulatory requirements, DOE orders, OCRWM and YMSCO policy directives, and DOE commitments potentially applicable to the proposed action in the final EIS.

4.3.3 Necessity and Adequacy

Information needs to support necessity and adequacy are included as a LOE within the work scopes or as specific line items within the deliverables identified in this document. No other information needs to support necessity and adequacy have been identified at this time. If such needs are identified in the future, DOE will provide additional direction.

4.3.4 Q Requirements for Subproducts

The post-final EIS issuance activities subproduct is designated as a non-Q product. There are no EIS subproducts or elements that are required to be developed as Q for the final EIS. However, this does not preclude the potential that data collected for the final EIS as non-Q may be required or used elsewhere in the program as Q data. Data should be collected at the highest quality level necessary to ensure that they are qualified for the most stringent application known or anticipated.

4.3.5 Expectations and Acceptance Criteria

Expectations and acceptance criteria are provided for each required deliverable or milestone within the description of the statement of work for LOE tasks, deliverables, or milestones. Complete descriptions of these statements of work, deliverables, or milestones are provided throughout this EIS Product Guidance Document.

ELEMENT DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Develop Final Environmental Impact Statement (EIS Contractor)

MULTIYEAR DESCRIPTION/WORK SCOPE

This element covers the duration of FY01 only, unless otherwise stated. Work scopes and duration for these work scopes are defined below.

SCOPE OF WORK 1—INCORPORATE DOE REVIEW COMMENTS ON THE CRD

Description

This work scope includes assisting DOE in the resolution of comments on the draft final EIS CRD subject to the following technical assumption: DOE shall have accepted the comment/response pairs prior to their submittal in the draft CRD. This element assumes the draft final CRD was provided to DOE as a Level 3 deliverable in FY00.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS for development of a CRD. They are codified in 40 CFR 1503.1, 40 CFR 1503.2, 40 CFR 1503.3, and 40 CFR 1503.4, as stated in the requirements/commitments. The specific work scope defined above and the deliverables defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Section references below are from 40 CFR.

Section 1503.1, Inviting Comments

- (a) After preparing a draft EIS and before preparing a final EIS, the agency shall:
 - (1) Obtain the comments of any federal agency, which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.
 - (2) Request the comments of (provision of technical support to the EIS Product Manager):
 - (i) Appropriate state and local agencies, which are authorized to develop and enforce environmental standards.

(ii) Indian tribes, when the effects may be on a reservation.

(iii) Any agency, which has requested that it receive statements on actions of the kind proposed.

OMB Circular A-95 (revised), through its system of clearinghouses, provides a means of securing the views of state and local environmental agencies. The clearinghouses may be used, by mutual agreement of the lead agency and the clearinghouse, for securing state and local reviews of the draft EISs.

(3) Request comments from the applicant, if any.

(4) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

(b) An agency may request comments on a final EIS before the decision is finally made. In any case, other agencies or persons may make comments before the final decision unless a different time is provided under Section 1506.10.

Section 1503.2, Duty to Comment

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and agencies which are authorized to develop and enforce environmental standards, shall comment on statements within their jurisdiction, expertise, or authority. Agencies shall comment within the time period specified for comment in Section 1506.10. A federal agency may reply that it has no comment. If a cooperating agency is satisfied that its views are adequately reflected in the EIS, it should reply that it has no comment.

Section 1503.3, Specificity of Comments

- (a) Comments on an EIS or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both.
- (b) When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.
- (c) A cooperating agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs. In particular, it shall specify any additional information it needs to comment adequately on the draft statement analysis of significant site-specific effects associated with the granting or approving by that cooperating agency of necessary federal permits, licenses, or entitlements.
- (d) When a cooperating agency with jurisdiction by law objects to or expresses reservations about the proposal on grounds of environmental impacts, the agency expressing the objection or reservation shall specify the mitigation measures it considers necessary to allow the agency to grant or approve applicable permit, license, or related requirements or concurrence.

Section 1503.4, Response to Comments

- (a) An agency preparing a final EIS shall assess and consider comments, both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:
 - (1) Modify alternatives, including the proposed action.
 - (2) Develop and evaluate alternatives not previously given serious consideration by the agency.
 - (3) Supplement, improve, or modify its analyses.
 - (4) Make factual corrections.
 - (5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agencies position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.
- (b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement.
- (c) If changes in response to comments are minor and are confined to the responses described in paragraphs (a)(4) and (a)(5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes need be circulated and not the final statement (Section 1502.19). The entire document with a new cover sheet shall be filed as the final statement (Section 1506.9).

Deliverables

There are no Level 3 deliverables required for this work scope. This element assumes the draft final CRD was provided to DOE as a Level 3 deliverable in FY00 and that the final version of the CRD is submitted as an integral part of the final EIS under Scope of Work 3.

Duration

This work scope is for FY01 only and is a continuation of the FY00 work scope.

SCOPE OF WORK 2—MAINTENANCE OF AN AR OF THE EIS (EIS CONTRACTOR PORTION)

Description

This work scope includes all activities required to support submittal of EIS records to the AR for the repository EIS (final EIS supporting documents and supporting records). Activities include development of an adequate records management system, gathering EIS records appropriate for inclusion in the AR, and entering records into the system. Records should be entered into the record system as soon after creation as practical.

The EIS contractor will perform work associated with the AR for the repository EIS, including:

- Delivery to the M&O AR Coordinator of all records and records packages needed to support an adequate EIS AR. To ensure all pertinent records are captured in the system, records and record packages should be transferred on a continuous basis and no later than one month after the record is created.
- Coordination with appropriate DOE Headquarters offices (GC and EH) to confirm inclusion/exclusion of documents, as needed.

Rationale

The requirement is driven by specific needs of DOE to maintain and have available a complete and defensible record of the development of the EIS.

Requirements/Commitments

Maintenance of an AR is not specifically required in either the NEPA or the Environmental Quality Improvement Act.

Deliverables

There is one Level 3 deliverable required for this work scope:

- Deliverable SSJ20BM3, Complete Delivery of all EIS Contractor Records and Records Packages Required as Part of the Draft or Final EIS to the M&O AR Coordinator.

Duration

This work scope is for FY01 only and is a continuation of the FY00 work scope.

SCOPE OF WORK 3—PUBLICATION OF THE FINAL EIS (EIS CONTRACTOR)

Description

The EIS contractor will:

- Provide a draft preliminary final EIS (with the draft final CRD included as an integral part) for the review of the DOE EIS Product Manager and YMSCO, as specified in the deliverable below.
- Assist DOE in the incorporation of comments from reviews into the preliminary final EIS (with the draft final CRD included as an integral part) for presentation to the Executive Committee for final concurrence.
- Assist DOE in the incorporation of comments from the Executive Committee.
- Prepare the preliminary final EIS for presentation for final DOE concurrence.
- Assist DOE in the publication of the final document.

Rationale

The NEPA and the Environmental Quality Improvement Act define, among others, specific requirements for EIS for publication of the final EIS. They are codified in 40 CFR 1502.19, as stated in the requirements/commitments. The specific work scope defined above and the deliverables defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1502—EIS, Section 1502.19, Circulation of the EIS

Agencies shall circulate the entire draft and final EISs, except for certain appendages, as provided in Section 1502.18(d), and unchanged statements, as provided in Section 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

- (a) Any federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate federal, state, or local agency authorized to develop and enforce environmental standards.
- (b) The applicant, if any.
- (c) Any person, organization, or agency requesting the entire EIS.
- (d) In the case of a final EIS, any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

Deliverables

There are three Level 3 deliverables required for this work scope:

- Deliverable SSJ102M3, Deliver Preliminary Final EIS With YMSCO/EIS Program Manager Comments Incorporated.
- Deliverable SSJ205M3, Deliver Camera-Ready Copy of Final EIS to YMSCO.
- Deliverable SSJ211M3, Review and Approve Printer Blue Lines.

Duration

This work scope is for FY01 only and is a continuation of the FY00 work scope.

SPECIFIC FY01 WORK SCOPE/DELIVERABLES

SCOPE OF WORK 1—INCORPORATE DOE REVIEW COMMENTS ON THE CRD

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are no Level 3 deliverables required for this work scope.

SCOPE OF WORK 2—MAINTENANCE OF AN AR OF THE EIS (EIS CONTRACTOR PORTION)

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There is one Level 3 deliverable required for this work scope in FY01:

- Deliverable SSJ20BM3, Complete Delivery of all EIS Contractor Records and Records Packages Required as Part of the Draft or Final EIS to the M&O AR Coordinator.

SCOPE OF WORK 3—PUBLICATION OF THE FINAL EIS (EIS CONTRACTOR)

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are three Level 3 deliverables required for this work scope in FY01:

- Deliverable SSJ102M3, Deliver Preliminary Final EIS With YMSCO/EIS Program Manager Comments Incorporated.
- Deliverable SSJ205M3, Deliver Camera-Ready Copy of Final EIS to YMSCO.
- Deliverable SSJ211M3, Review and Approve Printer Blue Lines.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Develop Final Environmental Impact Statement (EIS Contractor)
Deliverable: Complete Delivery of All Environmental Impact Statement Records and Records Packages to the Management and Operating Contractor Administrative Record Coordinator (09/27/01)
Deliverable No.: SSJ20BM3

DELIVERABLE DESCRIPTION/WORK SCOPE

Complete of all records and/or records packages that are necessary and sufficient to document the EIS contractor's activities required to be documented in the AR for the repository EIS (final EIS and supporting documents). This includes completion of all work associated with finalization of the EIS contractor's portion of the AR for the repository EIS.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The EIS contractor Project Manager shall prepare and transmit a letter to the DOE EIS COR/TM in accordance with applicable requirements of AP-7.5Q, Submittal, Review, and Acceptance of Deliverables. That letter shall document the completion and transmittal to the M&O AR Coordinator of all records and/or records packages that are necessary and sufficient to document the EIS contractor's activities for the repository EIS (final EIS and supporting documents).

This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This shall be validated by an independent AR adequacy review. DOE acceptance of the independent AR adequacy review shall constitute the final DOE acceptance of the completeness of the AR. The EIS contractor will provide additional records to satisfy any negative findings from the adequacy review. If not, this deliverable may not be completely closed for 4+ months after the EIS contractor submits the records. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

All records and records packages submitted by the EIS contractor shall meet the requirements of AP-17.1Q, Record Source Responsibilities for Inclusionary Records, and NEPA guidelines.

Records and/or records packages development must fully address regulatory requirements, commitments, and expectations, as presented in this deliverable and its associated Element Definition Sheet.

The records and/or records packages shall include the following features:

- *Common Graphics*—The graphics will be clear and accurate and will reflect the accompanying text descriptions.
- *Readability*—The text will be clear, simple, and concise. Avoid the use of technical jargon and acronyms whenever possible.

- *Full Contractor Management Review*—Each record and/or records packages submitted shall have received a full contractor technical and management review.

The technical content of the record and/or records packages shall meet the requirements identified in the work scope definition and shall be complete, clearly written, defensible, and traceable to the supporting documents and references.

The qualification status of all data shall be clearly and correctly identified. All record and/or records packages shall be reviewed and evaluated to verify that, for all technical data (as defined in AP-SIII.3Q) in the record and/or records packages:

- The data cited in the record and/or records packages and supporting references are included in the controlled TIMS and are labeled qualified, accepted, or unqualified in accordance with the YMP QA program.
- Project-generated data cited in record and/or records packages in the format of graphics, tables, figures, parameter values, and maps must include the DTN for the cited data. DTNs cited in the body of the text should be included in the reference section of the document. The data cited by DTN must be resident in the TDMS. Data or information from other sources must have appropriate TIMS identifiers (e.g., TIC or RIS number) and be accessible through the TIMS.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Develop Final Environmental Impact Statement (EIS Contractor)
Deliverable: Deliver Preliminary Final Environmental Impact Statement with Yucca Mountain Site Characterization Office/Environmental Impact Statement Manager Comments Incorporated (03/01/01)
Deliverable No.: SSJ102M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Deliver the preliminary final EIS to the DOE EIS Product Manager with YMSCO and DOE EIS Product Manager comment resolutions incorporated in accordance with applicable requirements of AP-7.5Q. The EIS contractor shall have completed the following activities prior to delivering the preliminary final EIS for review:

- Resolve YMSCO and DOE EIS Product Manager comments.
- Revise the preliminary final EIS text to implement YMSCO and DOE EIS Product Manager comment resolution.
- Prepare the preliminary final EIS for distribution.
- Provide the preliminary final EIS to the DOE EIS Product Manager for distribution for DOE Headquarters, DOE sites, DOE programs, and institutional review.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

The deliverable shall comply with DOE directions provided to the EIS contractor and shall be consistent with the directives approved by the DOE EIS COR/TM.

Upon submittal, the deliverable and all available references that are likely to be used in the final EIS shall be submitted for acceptance under YAP-30.12, Publications Review, Approval, and Distribution.

Deliverable development must fully address regulatory requirements, commitments, and expectations, as presented in this deliverable and its associated Element Definition Sheet. The deliverable shall include the following features:

- *Common Graphics*—The graphics will be clear and accurate and will reflect the accompanying text descriptions.

- *Readability*—The text will be clear, simple, and concise. Avoid the use of technical jargon and acronyms whenever possible.
- *Full Contractor Management Review*—Each draft or final document submitted for DOE review and acceptance shall have received a full contractor technical and management review.

The technical content of the deliverable shall meet the requirements identified in the work scope definition and shall be complete, clearly written, defensible, and traceable to the supporting documents and references.

The deliverable shall be written in sufficient detail for independent reviewers to understand and verify how data sets were used and how analyses were performed.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Develop Final Environmental Impact Statement (EIS Contractor)
Deliverable: Deliver Camera-Ready Copy of Final Environmental Impact Statement to the Yucca Mountain Site Characterization Office (05/18/01)
Deliverable No.: SSJ205M3

DELIVERABLE DESCRIPTION/WORK SCOPE

The EIS contractor will prepare a package consisting of the camera-ready copy of the final EIS, as signed by DOE management, for delivery to the GPO printer. This document will consist of all elements of the final EIS, including the summary, all chapters in the number of volumes specified by DOE, all appendixes, and the CRD complete with indices specified by DOE.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The final EIS shall reflect all comments and direction provided through the review process by senior Headquarters management and shall be printed on the proper paper and in the manner specified by the GPO printer. The document shall have been reviewed by EIS contractor management and shall be accompanied by a certification by the EIS contractor that all DOE senior management comments have been dispositioned and are either incorporated or that DOE management has directed the comment not to be incorporated. A camera-ready copy of the final EIS incorporating directed changes shall be delivered to the DOE EIS COR/TM in accordance with applicable requirements of AP-7.5Q. This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

The deliverable and all first-level references shall have been submitted to and accepted under the YAP-30.12, Publications Review, Approval, and Distribution, process prior to being submitted for DOE acceptance under AP-7.5Q, Submittal, Review, and Acceptance of Deliverables.

One week after DOE's final acceptance, the HTLM and PDF versions of the deliverable, as well as Microsoft Word files for text and Adobe Illustrator files for graphics or other format as agreed upon (DOE to decide prior to delivery), shall be submitted to the M&O and comply with the requirements of YAP-30.64, Placing Documents on the YMP Web Site.

Deliverable development must fully address regulatory requirements, commitments, and expectations as presented in this deliverable and its associated Element Definition Sheet. The deliverable shall include the following features:

- *Common Graphics*—The graphics will be clear and accurate and will reflect the accompanying text descriptions.
- *Readability*—The text will be clear, simple, and concise. Avoid the use of technical jargon and acronyms whenever possible.

- *Full Contractor Management Review*—Each draft or final document submitted for DOE review and acceptance shall have received a full contractor technical and management review.

The technical content of the deliverable shall meet the requirements identified in the work scope definition and shall be complete, clearly written, defensible, and traceable to the supporting documents and references.

The deliverable shall be written in sufficient detail for independent reviewers to understand and verify how data sets were used and how analyses were performed.

The qualification status of all data shall be clearly and correctly identified. All deliverables shall be reviewed and evaluated to verify that, for all technical data (as defined in AP-SIII.3Q) in the deliverable:

- The data cited in the deliverable and supporting references are included in the controlled TIMS and are labeled qualified, accepted, or unqualified in accordance with the YMP QA program.
- Project-generated data cited in deliverables in the format of graphics, tables, figures, parameter values, and maps must include the DTN for the cited data. DTNs cited in the body of the text should be included in the reference section of the document. The data cited by DTN must be resident in the TDMS. Data or information from other sources must have appropriate TIMS identifiers (e.g., TIC or RIS number) and be accessible through the TIMS.
- Within the deliverable or a cover letter, provide a complete list of DTNs and Q-status for data, analyses, model input and output, and software used directly in the deliverable and in the supporting references or other supporting analyses.

All software codes used in the development of models that are documented in the deliverable have been assigned a unique identifier and are maintained in accordance with applicable contractor procedures.

All software codes used to develop or manipulate the data presented in the deliverable have been assigned a unique identifier and are maintained in accordance with applicable contractor procedures.

The software code is retrievable and usable, and the results reported in the deliverable are reproducible.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Develop Final Environmental Impact Statement (EIS Contractor)
Deliverable: Review and Approve Printer Blue Line (05/23/01)
Deliverable No.: SSJ211M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Review and accept the blue line document prepared by the GPO printing contractor as the final step before making the print masters for the press.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The review shall be of the entire final EIS document, including the entire comment response volume, and shall ensure that the document printed is exactly as accepted by DOE. Any deficiencies in the blue line shall be brought to the attention of DOE immediately. It is anticipated that this review will be performed at or near the location of the GPO printer selected to print the final EIS. As such, travel to that location should be included. A detailed plan acceptable to the M&O contractor, EIS contractor, and DOE shall be created and reviewed by both the EIS contractor and DOE prior to the performance of the review. This plan shall provide details as to the attributes to be reviewed, method of the review, reviewers and their expertise, and any other pertinent information needed to provide a high confidence that the printed documents are exactly the same as the DOE-approved copy. This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when a letter documenting the completion of the review is delivered by the EIS contractor to DOE in accordance with the most current approved version of AP-7.5Q requirements and is logged into the deliverable review database.

ELEMENT DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Support Final Environmental Impact Statement Development (M&O Contractor)

MULTIYEAR DESCRIPTION/WORK SCOPE

This element covers the duration of FY01 only, unless otherwise stated. Work scopes and duration for these work scopes are defined below.

SCOPE OF WORK 1—CONSULTATIONS AND COORDINATIONS, INCLUDING THOSE WITH NATIVE AMERICAN TRIBES, REQUIRED BY NEPA OR THE COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS

Description

This work scope includes all activities necessary and sufficient for consultations and coordinations required by the Council on Environmental Quality regulations, including those with Native American tribes. This element also includes the following LOE activities:

- Meeting requirements of the American Indian Religious Freedom Act and programmatic agreement with respect to consultation and interactions with 17 official tribes and tribal organizations.
- Conducting YMP site visits accompanying Native American representatives to help ensure cultural resources protection.
- Providing support to archeological resource activities, as required.
- Conducting YMP site and archeological laboratory visits for cultural resource monitoring, NAGPRA consultations, and educational purposes.
- Organizing, coordinating, and supporting YMP update meetings with the Consolidated Group of Tribes and Organizations.
- Providing support to institutional efforts, including open houses, public update meetings, lectures, and consultations.
- Developing responses and commitments to Native American recommendations received during tribal update meetings, site visits, or subgroup workshops.
- Conducting consultations and interactions with Native Americans to assist them in developing or modifying data and reference reports applicable to the EIS.
- Addressing Native American concerns and issues from developing a repository at Yucca Mountain.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS consultations and coordinations. They are codified in 40 CFR 1502.25, as stated in the requirements/commitments. In addition, the following statutes, regulations, and directives define further Native American consultations and coordinations:

- National Historic Preservation Act.
- Archeological Resources Protection Act.
- American Indian Religious Freedom Act of 1978.
- NAGPRA.
- Antiquities Act.
- EO 11593, National Historic Preservation.
- EO 13007, Indian Sacred Sites.

These statutes, regulations, and directives are defined in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the additional requirements for Native American interactions.

Technical Assumptions

Estimates are based on the assumption that the environmental program will continue to conduct Native American consultations and interactions with the Consolidated Group of Tribes and Organizations regarding protection of cultural resources and documentation of religious values and beliefs. Two Native American update meetings and site visits will be held during each year from FY01–FY04 in accordance with programmatic agreements. In addition, NAGPRA consultations will be conducted, as needed, to determine whether any cultural resources in the YMP inventory are eligible for repatriation in accordance with the regulatory requirements.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1502—EIS, Section 1502.25, Environmental Review and Consultation Requirements

- (a) To the fullest extent possible, agencies shall prepare draft EISs concurrently and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 USC 661, et seq.), National Historic Preservation Act of 1966 (16 USC 470, et seq.), Endangered Species Act of 1973 (16 USC 1531, et seq.), and other environmental review laws and EOs.
- (b) The draft EIS shall list all federal permits, licenses, and other entitlements, which must be obtained in implementing the proposal. If it is uncertain whether a federal permit, license, or other entitlement is necessary, the draft EIS shall so indicate.

The Council on Environmental Quality regulations cited above implementing the procedural provisions of NEPA require certain coordination or consultations with federal, state, and local agencies, as appropriate, with regard to potential environmental impacts resulting from the proposed action. Such agencies can include those with authority to issue permits, licenses, and other regulatory approvals. Other agencies include those responsible for protecting such significant resources as endangered species, wetlands, or historic properties. For this EIS, the agencies listed are considered to be those required for consultation or coordination under the provisions of the Council on Environmental Quality regulations, including affected units of local government, USAF, BLM, U.S. DOT, EPA, FWS, National Park Service, Native American Tribes and Organizations, U.S. Navy, Nevada DOT, NRC, U.S. Department of Agriculture, and Council on Environmental Quality.

Specific requirements for this work scope include:

National Historic Preservation Act, as Amended (16 USC 470, et seq.)

The National Historic Preservation Act provides for the placement of sites with significant national historic value on the *National Register of Historic Places*. It requires no permits or certifications. DOE would evaluate activities associated with a repository at Yucca Mountain to determine whether they would affect historic resources. If required after this evaluation, DOE would consult with the Advisory Council on Historic Preservation. Such a consultation generally results in the development of an agreement that includes stipulations to be followed to minimize or mitigate potential adverse impacts to an historic resource (see Table 11-2, Item 9). DOE has entered into a programmatic agreement with the Advisory Council on Historic Preservation for implementation of the National Historic Preservation Act for site characterization activities. This agreement requires DOE to consult and interact with Native Americans during site characterization. In compliance with the agreement provisions, Native American representatives from the Southern Paiute, Western Shoshone, and Owens Valley Paiute and Shoshone Tribes have reviewed site characterization activities on the site twice each year. These reviews have been followed by discussions between Native American representatives and DOE personnel, submittal of comments by the Native American representatives, and responses to the comments by DOE. If the proposed site were authorized, the implementing agreement would be modified as appropriate, and additional consultations would occur.

Archeological Resources Protection Act, as Amended (16 USC 470aa, et seq.)

The Archeological Resources Protection Act requires a permit for excavation or removal of archeological resources from publicly held or Native American lands (see Table 11-2, Item 11). Excavations must further archeological knowledge in the public interest, and the resources removed are to remain the property of the United States. If a resource is found on land owned by a Native American tribe, the tribe must give its consent before a permit is issued, and the permit must contain terms or conditions requested by the tribe. Requirements of the Archeological Resources Protection Act would apply to any YMP excavation activities that resulted in identification of archeological resources.

American Indian Religious Freedom Act of 1978 (42 USC 1996)

The American Indian Religious Freedom Act reaffirms Native American religious freedom under the First Amendment and establishes policy to protect and preserve the inherent and constitutional right of Native Americans to believe, express, and exercise their traditional religions. This law ensures the protection of sacred locations and access of Native Americans to those sacred locations and traditional resources that are integral to the practice of their religions. Further, it establishes requirements that would

apply to any Native American sacred locations, traditional resources, or traditional religious practices potentially affected by the construction and operation of a repository at Yucca Mountain.

NAGPRA of 1990 (25 USC 3001)

The NAGPRA directs the Secretary of the Interior to guide the repatriation of federal archeological collections and collections that are culturally affiliated with Native American tribes and held by museums that receive federal funding. Major actions to be taken under this law include:

- The establishment of a review committee with monitoring and policymaking responsibilities.
- The development of regulations for repatriation, including procedures for identifying lineal descent or cultural affiliation needed for claims.
- The oversight of museum programs designed to meet the inventory requirements and deadlines of this law.
- The development of procedures to handle unexpected discoveries of graves or grave goods during activities on federal or tribal land.

The provisions of the NAGPRA would be invoked if any excavations associated with a repository at Yucca Mountain led to unexpected discoveries of Native American graves or grave artifacts. DOE and the Southern Paiute, Western Shoshone, and Owens Valley Paiute and Shoshone Tribes have entered an agreement to address the potential applicability of the NAGPRA to cultural resources collected during site characterization activities at the Yucca Mountain site.

Antiquities Act (16 USC 431, et seq.)

The Antiquities Act protects historic and prehistoric ruins, monuments, and objects of antiquity, including paleontological resources, on lands owned or controlled by the federal government. If historic or prehistoric ruins or objects were found during the construction or operation of facilities associated with a repository at Yucca Mountain, DOE would have to determine whether adverse effects to these ruins or objects would occur. If adverse effects would occur, the Secretary of the Interior would have to grant permission to proceed with the activity (36 CFR 296, 43 CFR 3, and 43 CFR 7) (see Table 11-2, Item 10).

EO 11593, National Historic Preservation

This order directs federal agencies, including DOE, to locate, inventory, and nominate properties under their jurisdiction or control to the *National Register of Historic Places*. This process requires DOE to provide the Advisory Council on Historic Preservation the opportunity to comment on the possible impacts of proposed activities.

EO 13007, Indian Sacred Sites

This order directs federal agencies, to the extent permitted by law and not inconsistent with agency missions, to avoid adverse effects to sacred sites and to provide access to those sites to Native Americans for religious practices. The order directs agencies to plan projects to provide protection of and access to sacred sites to the extent compatible with the project.

Deliverables

There are no Level 3 deliverables for the Consultations and Coordinations work scope, but the following services are required:

- Prepare rapid response briefing information.
- Gather technical information on specific issues.
- Prepare white papers describing issues, proposed policies, resolutions of issues, and so forth.
- Support YMSCO at meetings and conferences, as required.
- Prepare meeting minutes or provide meeting notes, as prescribed by DOE.
- Provide rapid response for Headquarters questions or data needs.

Duration

This work scope covers the duration of FY01 only within this subproduct and element and is a continuation of the FY00 work scope. This work scope continues beyond FY01 in the Post-Final EIS Activities subproduct and the M&O Post-Final EIS Activities element.

SCOPE OF WORK 2—NEVADA TRANSPORTATION

Description

This work scope includes all activities necessary and sufficient to fully develop and implement a transportation program within the state of Nevada, including:

- Development, integration, and implementation of transportation policies and implementation within the state of Nevada.
- Formulation of options, representing YMSCO, as required, at meetings and conferences.
- Preparation of any required environmental regulatory information needed to support the EIS, including agency consultations.
- Provision of technical support to the DOE EIS Product Manager.
- Preparation of reports, as needed, to document findings from previous studies to support the EIS.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS consultations and coordinations. They are codified in 40 CFR 1502.25, as stated in the requirements/commitments. Additionally, the NWPA (42 USC 10101) provides specific requirements for transportation of SNF and HLW, both nationally and within the state of Nevada. Many other regulations also apply, as defined in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for Nevada transportation coordination.

Requirements/Commitments

NWPA, as amended, requires DOE to provide assistance for training of state, local, and tribal personnel who might be affected by spent commercial fuel transportation. This is relevant to advance planning, routing decisions, consignment scheduling, shipment tracking, and delivery verification and feedback [Part 180(c)].

Under Title 10 of the CFR (Energy), the following parts are relevant to DOE transportation activities:

- 10 CFR 20 mandates the use of a manifest by a hazardous waste generator licensee.
- 10 CFR 71 contains NRC requirements for approved Type B packages for shipments of radioactive materials (Subpart E) and includes definitions of various materials and subsets relevant to material characterization (71.4).
- 10 CFR 73 provides for NRC approval of rail and highway routes used for shipments of SNF; sets forth escort and notification requirements relevant to consignment scheduling, routing decisions, and shipment tracking; and provides for operational and emergency response training requirements for material handling (Appendix D). These are relevant to documentation, marking, labeling, placarding, material handling, and package selection. It also includes definitions of various material and subsets (73.2) and exemptions for certain materials (73.6).
- 10 CFR 1021 contains steps to be taken by DOE to be in compliance with NEPA. These are relevant to the advance planning process.

Title 29 of the CFR (Occupational Safety and Health), Part 1910, covers hazardous substance cleanup, remediation, and response operations and includes safety, health, and site characterization requirements needed for operational and emergency response training under OSHA mandates. OSHA regulations are relevant to material handling, documentation, marking, labeling, placarding, and package selection (1910.120).

Under Title 40 of the CFR (Environmental Quality), the following parts are relevant to DOE transportation planning and implementation activities:

- 40 CFR 261 identifies those solid wastes to be managed as hazardous wastes and exclusions and discusses characteristics and properties of ignitability, corrosiveness, reactivity, or toxicity relevant to material characterization.
- 40 CFR 262 mandates the use and form of the Uniform Hazardous Waste manifest for shipment documentation. Part 1500 contains the Council on Environmental Quality implementing regulations relevant to DOE's advance planning process for transportation (1500.08).

Under Title 49 of the CFR (Transportation), the following parts are relevant to DOE transportation activities:

- 49 CFR 171 provides general information and definitions needed for material characterization and governs notifications when radioactive material incidents involve a release (171.15).
- 49 CFR 172 lists and classifies hazardous materials and related requirements in the hazardous materials table; contains requirements for proper entries on shipping papers and use of the hazardous

waste manifest (Subpart C); contains marking (Subpart D), labeling (Subpart E), and placarding (Subpart F) requirements; describes shipper and carrier responsibilities; contains emergency response requirements relevant to transport mode selection and provides emergency response information for shipping papers (Subpart G); and contains hazardous materials employee operational training requirements (Subpart H).

- 49 CFR 173 covers the preparation of hazardous materials for transportation (Subpart B), DOT performance-based packaging requirements, material preparation and packaging requirements or exceptions (Subpart C), and shipper responsibility for hazardous materials classification and consignee notification (173.22).
- 49 CFR 174 contains general handling and loading requirements or exceptions (Subpart C) and shipping regulations based on mode of carriage (174.177).
- 49 CFR 175 contains loading, unloading, and handling requirements (Subpart B).
- 49 CFR 176 contains general handling and storage requirements for shipments by water (Subpart C) and covers radioactive incidents involving a release of material (176.710).
- 49 CFR 177 contains loading and unloading requirements for shipments by public highway (Subpart B).
- 49 CFR 397 sets forth DOT requirements related to routing decisions and communication of route plans, risk avoidance measures for carriers, tracking and communications while shipments are under way, and DOT/FHWA notification after an HRCQ shipment is accepted (397.101) and specifies the FHWA procedures by which states may establish designated routes (397.103).

Title 49 of the USC (Transportation), Part 51165, provides information on technical assistance involving DOT planning and training grants relevant to the advance planning process, routing decisions, shipment tracking, and delivery verification and feedback. Regulations pursuant to this section of the USC are found at 49 CFR 110.

Deliverables

There are no Level 3 deliverables for the Nevada Transportation work scope, but the following services are required:

- Attend meetings and workshops relating to Nevada transportation, such as DOE/NV and Transportation External Coordination Working Group meetings.
- Gather EIS-related technical information on Nevada transportation to fill additional data needs.
- Support YMSCO at meetings and conferences, as required.
- Provide EIS-related route evaluations, as needed.
- Provide rapid response for EIS transportation-related Headquarters questions or data needs.

Duration

This work scope covers the duration of FY01 only within this subproduct and element and is a continuation of the FY00 work scope. This work scope continues beyond FY01 in the Post-Final EIS Activities subproduct and the M&O Post-Final EIS Activities element.

SCOPE OF WORK 3—MAINTENANCE OF AN AR OF THE EIS

Description

This work scope includes all activities required to create the AR for the repository EIS (final EIS and supporting documents). Activities include development of an adequate records management system, gathering EIS records appropriate for inclusion in the AR, and entering records into the system. Records should be entered into the record system as soon after creation as practical. This work scope also supports any necessary maintenance/restructuring/supplementation of the AR needed to support general NEPA compliance, such as support to decision documents and challenges to the adequacy of the EIS or AR, SR, and the licensing process.

The M&O will perform work associated with the creation of the AR for the repository EIS, including:

- Delivering to the M&O Record Center all records and records packages needed to support an adequate EIS AR, including those provided by the EIS contractor, MTS, and those created by the M&O. To ensure all pertinent records are captured in the system, records and records packages should be transferred on a continuous basis and no later than one month after the record is created.
- Processing records packages into the M&O records system.
- Coordination with appropriate DOE Headquarters offices (GC and EH) to confirm inclusion/exclusion of documents, as needed.
- Routine maintenance of the AR.

The M&O will complete all work associated with supporting ongoing NEPA compliance activities for the YMP associated with the AR for the post-repository EIS timeframe, including:

- Restructuring/maintenance of the AR to enhance retrieval of records.
- Supplementation of the AR, as required for post-EIS records (e.g., public comments and DOE's response to those comments on the final EIS, updated records or reports documenting changes in EIS supporting documentation, decision documents, environmental analyses to augment the SR or LA processes).
- Support challenges to the EIS or AR by performing records retrieval, reproduction, and distribution, as necessary.

Rationale

The requirement for an AR is driven by specific needs of DOE to maintain and have available a complete and defensible record of the development of the EIS.

Requirements/Commitments

Maintenance of an AR is not specifically required in either the NEPA or the Environmental Quality Improvement Act.

Deliverables

There are no Level 3 deliverables for the Maintenance of an EIS AR work scope.

Duration

This work scope covers the duration of FY01 only within this subproduct and element and is a continuation of the FY00 work scope. This work scope continues beyond FY01 in the Post-Final EIS Activities subproduct and the M&O Post-Final EIS Activities element.

SCOPE OF WORK 4—PUBLICATION OF THE FINAL EIS

Description

The M&O will provide publication services for the final EIS, including assistance to DOE in the coordination and negotiation with the GPO. This will include assisting DOE in the review of the final EIS and in printing copies of the final EIS through the GPO, including the coordination and delivery of the final proof copy to the GPO printer and coordination of the review of the proof copy.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for publication of the final EIS. They are codified in 40 CFR 1502.19, as stated in the requirements/commitments. The specific work scope defined above and the deliverables defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1502—EIS, Section 1502.19, Circulation of the EIS

Agencies shall circulate the entire draft and final EISs, except for certain appendixes, as provided in Section 1502.18(d), and unchanged statements, as provided in Section 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

- (a) Any federal agency, which has jurisdiction by law or special expertise with respect to any environmental impact involved, and any appropriate federal, state, or local agency authorized to develop and enforce environmental standards.

- (b) The applicant, if any.
- (c) Any person, organization, or agency requesting the entire EIS.
- (d) In the case of a final EIS, any person, organization, or agency which submitted substantive comments on the draft. If the agency circulates the summary and thereafter receives a timely request for the entire statement and for additional time to comment, the time for that requestor only shall be extended by at least 15 days beyond the minimum period.

Deliverables

The following Level 3 deliverables are required for the Publication of the Final EIS work scope:

- Deliverable SSES51M3, Review and Approve Printer Blue Line.
- New deliverable, Final EIS and Primary References Available on the Internet in PDF Format.
- New deliverable, Final EIS and Primary References Hyperlinked and Available on the Internet in Both PDF and HTML Formats.

Duration

This work scope is for FY01 only and is a continuation of the FY00 work scope.

SCOPE OF WORK 5—PROVIDE OVERALL NEPA TECHNICAL AND PROCEDURAL EXPERTISE AND ASSISTANCE

Description

Provide overall NEPA technical and procedural expertise to support development of approaches to compliance with NEPA strategic planning, development of guidelines, and criteria to assist DOE in the management and execution of a NEPA program and reviews of internal and external products to ensure overall compliance with NEPA and consistency with the OCRWM NEPA goals and direction.

Provide planning, M&O coordination, and NEPA technical and procedural expertise to support preparation of the repository EIS. Provide support for preparation of special products related to the EIS:

- *Planning*—Develop and review approaches to compliance with NEPA. Provide direct support to assist in the development of approaches for preparation of the EIS.
- *M&O Coordination*—Provide coordination and facilitation to expedite the transfer of the M&O project design, data analyses, cost, and existing information to the EIS contractor staff. Provide coordination of all reviews on the preliminary draft final EIS and draft final EIS.
- *NEPA Technical and Procedural Expertise*—Develop technical guidelines and criteria to assist DOE in the management and execution of the EIS project. Facilitate and assist the EIS contractor in the preparation of the EIS. Maintain the EIS AR and EIS reference library. Support federal and state agency and public participation in the EIS process.

Rationale

Providing overall NEPA technical and procedural expertise and assistance in comment resolution is not specifically required in either the NEPA or the Environmental Quality Improvement Act. The requirement is driven by specific needs of DOE to have available experts in the field of NEPA compliance, regulations, and procedures.

Requirements/Commitments

Providing overall NEPA technical and procedural expertise and assistance in comment resolution is not specifically required in either the NEPA or the Environmental Quality Improvement Act. The requirement is driven by specific needs of DOE to have available experts in the field of NEPA compliance, regulations, and procedures.

Deliverables

There are no Level 3 deliverables required for the NEPA Technical and Procedural Expertise and Assistance work scope, but the following services are required:

- Draft responses to comments, as directed by DOE.
- Draft position papers, issue papers, white papers, and other documents, as directed by DOE, to explain, determine requirements for, provide guidance for, or otherwise assist DOE in complying with NEPA.

Duration

This work scope is for FY01 only and is a continuation of the FY00 work scope.

SPECIFIC FY01 WORK SCOPE/DELIVERABLES

SCOPE OF WORK 1—CONSULTATIONS AND COORDINATIONS, INCLUDING THOSE WITH NATIVE AMERICAN TRIBES, REQUIRED BY NEPA OR THE COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are no Level 3 deliverables required for this work scope for FY01.

SCOPE OF WORK 2—NEVADA TRANSPORTATION

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are no Level 3 deliverables required for this work scope for FY01.

SCOPE OF WORK 3—MAINTENANCE OF AN AR OF THE EIS

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are no Level 3 deliverables required for this work scope for FY01.

SCOPE OF WORK 4—PUBLICATION OF THE FINAL EIS

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are three Level 3 deliverables required for this work scope in FY01:

- Deliverable SSES51M3, Review and Approve Printer Blue Lines.
- New deliverable, Final EIS and Primary References Available on the Internet in PDF Format.
- New deliverable, Final EIS and Primary References Hyperlinked and Available on the Internet in Both PDF and HTML Formats.

SCOPE OF WORK 5—PROVIDE OVERALL NEPA TECHNICAL AND PROCEDURAL EXPERTISE AND ASSISTANCE

Description

All work defined under the Multiyear Description/Work Scope is applicable to FY01.

Deliverables

There are no Level 3 deliverables required for this work scope for FY01.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Support Final Environmental Impact Statement Development (M&O Contractor)
Deliverable: Review and Approve Printer Blue Line (05/23/01)
Deliverable No.: SSES51M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Review and accept the blue line document prepared by the GPO printing contractor as the final step before making the print masters for the press.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The review shall be of the entire final EIS document, including the entire comment response volume, and shall ensure that the document printed is exactly as accepted by DOE. Any deficiencies in the blue line shall be brought to the attention of DOE immediately. It is anticipated that this review will be performed at or near the location of the GPO printer selected to print the final EIS. As such, travel to that location should be included. A detailed plan acceptable to the M&O, EIS contractor, and DOE shall be created and reviewed by both the EIS contractor and DOE prior to the performance of the review. This plan shall provide details as to the attributes to be reviewed, method of the review, reviewers and their expertise, and any other pertinent information needed to provide a high confidence that the printed documents are exactly the same as the DOE-approved copy.

This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Support Final Environmental Impact Statement Development (M&O Contractor)
Deliverable: Make Final Environmental Impact Statement and Its Primary References Available on the Internet in PDF Format (06/29/01)
Deliverable No.: New

DELIVERABLE DESCRIPTION/WORK SCOPE

Description

Perform all activities necessary and sufficient to make the final EIS document and its primary references available on the Internet in PDF format for viewing by anyone with Internet access.

Technical Assumptions

The EIS contractor will provide an electronic copy of the final EIS, all its sections, and appendixes, including the CRD and all primary references to the final EIS, for placement on the Internet. The EIS contractor will provide these data files in PDF and Microsoft Word format with figures in Adobe Illustrator format or other format, as agreed upon, to the M&O no later than 30 calendar days prior to the deliverable due date.

Only those primary references identified in the references section of the final EIS will be posted on the Internet.

Those references identified in the references section of the final EIS that are copyrighted and for which DOE has not obtained an unlimited copyright release will not be placed on the Internet. These documents will be identified on the Internet with a banner page that describes the document and identifies how the document may be obtained or located.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Final Environmental Impact Statement
Element: Support Final Environmental Impact Statement Development (M&O Contractor)
Deliverable: Make Final Environmental Impact Statement and Primary References Available on the Internet in the HTML Format and Hyperlinked From the Text of the Final Environmental Impact Statement to the Text of the Primary Reference (07/27/01)
Deliverable No.: New

DELIVERABLE DESCRIPTION/WORK SCOPE

Description

Perform all activities necessary and sufficient to hyperlink the parenthetical textual references within the final EIS document to the page number of the document it references available on the Internet in HTML format for viewing by anyone with Internet access.

Technical Assumptions

The EIS contractor will provide an electronic copy of the entire final EIS and all primary references that are to be placed on the Internet. The EIS contractor will provide these data files in PDF and Microsoft Word format with figures in Adobe Illustrator format or other format, as agreed upon, to the M&O no later than 30 calendar days prior to the deliverable due date.

Only those primary references identified in the references section of the final EIS will be used as references to hyperlink on the Internet.

Those references identified in the references section of the final EIS that are copyrighted and for which DOE has not obtained an unlimited copyright release will not be placed on the Internet. These documents will be identified on the Internet with a banner page that describes the document and identifies how the document may be obtained or located.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

This deliverable will be reviewed by DOE in accordance with AP-7.5Q to ensure that it is complete and conforms to all aspects of the deliverable description and AP-7.5Q. This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

ELEMENT DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Post-Final Environmental Impact Statement Activities (EIS Contractor)

MULTIYEAR DESCRIPTION/WORK SCOPE

This element covers the duration of FY02–FY04, unless otherwise stated. Work scopes and duration for these work scopes are defined below.

SCOPE OF WORK 1—PREPARE A MITIGATION ACTION PLAN

Description

The EIS contractor will prepare a draft Mitigation Action Plan for review by DOE. The draft Mitigation Action Plan will consist of a description of and plan for identifying and complying with all mitigation actions necessary and sufficient to fulfill the requirements of the final EIS commitments.

The EIS contractor will assist DOE with the review, comment, and comment resolution process for the draft Mitigation Action Plan.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS Mitigation Action Plans. They are codified in 40 CFR 1505.3, as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, (March 5, 1970, as amended by EO 11991, May 24, 1977). Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1505—NEPA and Agency Decision Making, Section 1505.3, Implementing the Decision

Agencies may provide for monitoring to ensure that their decisions are carried out and should do so in important cases. Mitigation [Section 1505.2(c)] and other conditions established in the EIS or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

- (a) Include appropriate conditions in grants, permits, or other approvals.
- (b) Condition funding of actions on mitigation.

- (c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.
- (d) Upon request, make available to the public the results of relevant monitoring.

Deliverables

There is one Level 3 deliverable required for this work scope:

- Deliverable SSJ20AM3, Submit Draft Mitigation Action Plan for Headquarters, Site, and YMSCO Review.

Duration

This work scope covers the duration of FY02 only. Work within this work scope will begin in FY02 and end in FY02.

SCOPE OF WORK 2—DEVELOP MATERIALS SUPPORTING A DECISION

Description

If requested, the EIS contractor will assist DOE in developing materials supporting a decision or decisions resulting from DOE action on materials presented in the final EIS. This work scope consists of development of the necessary supporting environmental impact documentation required by the NEPA if the decision is made to declare Yucca Mountain an environmentally acceptable site for the nation's first nuclear waste repository. This material must be sufficient under the requirements of NEPA to present the decision and rationale for the decision with references to the bases for these decisions. The decision document(s) also could provide a decision on the transportation of SNF and HLW from the generator sites to Yucca Mountain. This material also must be sufficient under the requirements of NEPA to present the decision and rationale for the decision with references to the bases for these decisions.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS records of decision. They are codified in 40 CFR 1505.2, as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977). Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1505—NEPA and Agency Decision Making, Section 1505.2, Record of Decision in Cases Requiring EISs

At the time of its decision (Section 1506.10), or if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any

other record prepared by the agency, including that required by OMB Circular A-95 (revised), Part I, Sections 6(c) and 6(d), and Part II, Section 5(b)(4), shall:

- (a) State what the decision was.
- (b) Identify all alternatives considered by the agency in reaching its decision, specifying the alternatives that were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors, including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors, including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision.
- (c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

Deliverables

No specific deliverables are required for this work scope.

Duration

This scope of work covers the duration of FY02 only. Work within this work scope will begin in FY02 and end in FY02.

SCOPE OF WORK 3—COMPLETE THE AR OF THE EIS (EIS CONTRACTOR PORTION) AND CLOSE OUT THE EIS CONTRACT

Description

This work scope includes all activities required to support submittal of all remaining EIS records to the AR for those activities occurring after issuance of the final EIS. It also includes all activities required to complete the closeout of the EIS contract and turnover of all remaining records from the EIS contractor to DOE.

Activities include gathering EIS records appropriate for inclusion in the EIS project records system and entering those records into the system. Records should be entered into the records system as soon after creation as practical. The EIS contractor will:

- Deliver to the M&O AR Coordinator all records and record packages needed to support all remaining activities of the EIS contractor. To ensure all pertinent records are captured in the system, records and record packages should be transferred on a continuous basis and no later than one month after the record is created.
- Coordinate with appropriate DOE Headquarters offices (GC and EH) to confirm inclusion/exclusion of documents, as needed.

Rationale

The requirement is driven by specific needs of DOE to maintain and have available a complete and defensible record of the development of the EIS.

Requirements/Commitments

Maintenance of an AR is not specifically required in either the NEPA or the Environmental Quality Improvement Act.

Deliverables

There is one Level 3 deliverable required for this work scope:

- Deliverable SSJ20M3, Document the Completion of EIS Activities.

Duration

This work scope is for FY02 only and is a continuation of the FY01 work scope.

SPECIFIC FY01 WORK SCOPE/DELIVERABLES

SCOPE OF WORK 1—PREPARE A MITIGATION ACTION PLAN

Description

There is no work scope for FY01.

Deliverables

There are no deliverables for FY01.

SCOPE OF WORK 2—DEVELOP MATERIALS SUPPORTING A DECISION

Description

There is no work scope for FY01.

Deliverables

There are no deliverables for FY01.

SCOPE OF WORK 3—COMPLETE THE AR OF THE EIS (EIS CONTRACTOR PORTION) AND CLOSE OUT THE EIS CONTRACT

Description

There is no work scope for FY01.

Deliverables

There are no deliverables for FY01.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Post-Final Environmental Impact Statement Activities (EIS Contractor)
Deliverable: Submit Draft Mitigation Action Plan for Headquarters, Site, and Yucca Mountain Site Characterization Office Review (01/25/02)
Deliverable No.: SSJ20AM3

DELIVERABLE DESCRIPTION/WORK SCOPE

The Mitigation Action Plan text shall be revised to reflect the resolved EIS Program Manager's comments. The Mitigation Action Plan shall be prepared for distribution to DOE Headquarters, DOE sites, and YMSCO for their review.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The Mitigation Action Plan comment resolution document shall be delivered to the EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

The deliverable shall comply with DOE directions provided to the EIS contractor and shall be consistent with the directives approved by the DOE EIS Product Manager.

Deliverable development must fully address regulatory requirements, commitments, and expectations, as presented in this deliverable and its associated Element Definition Sheet. The deliverable shall include the following features:

- *Common Graphics*—The graphics will be clear and accurate and will reflect the accompanying text descriptions.
- *Readability*—The text will be clear, simple, and concise. Avoid the use of technical jargon and acronyms whenever possible.
- *Full Contractor Management Review*—Each draft or final document submitted for DOE review and acceptance shall have received a full contractor technical and management review.

The technical content of the deliverable shall meet the requirements identified in the work scope definition and shall be complete, clearly written, defensible, and traceable to the supporting documents and references.

The deliverable shall be written in sufficient detail for independent reviewers to understand and verify how data sets were used and how analyses were performed.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Post-Final Environmental Impact Statement Activities (EIS Contractor)
Deliverable: Document the Completion of EIS Activities (09/28/02)
Deliverable No.: SSJ20M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Complete all work associated with the Yucca Mountain EIS, including the completion and turnover of all pertinent records for the AR and completion of any additional analyses required by DOE.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

A letter documenting the completion of the EIS activities shall be delivered to the DOE EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

All records and records packages submitted by the EIS contractor shall meet the requirements of AP-17.1Q, Record Source Responsibilities for Inclusionary Records.

Records and/or records packages development must fully address regulatory requirements, commitments, and expectations, as presented in this deliverable and its associated Element Definition Sheet.

The records and/or records packages shall include the following features:

- *Common Graphics*—The graphics will be clear and accurate and will reflect the accompanying text descriptions.
- *Readability*—The text will be clear, simple, and concise. Avoid the use of technical jargon and acronyms whenever possible.
- *Full Contractor Management Review*—Each record and/or records packages submitted shall have received a full contractor technical and management review.

The technical content of the record and/or records packages shall meet the requirements identified in the work scope definition and shall be complete, clearly written, defensible, and traceable to the supporting documents and references.

The qualification status of all data shall be clearly and correctly identified. All record and/or records packages shall be reviewed and evaluated to verify that, for all technical data (as defined in AP-SIII.3Q) in the record and/or records packages:

- The data cited in the record and/or records packages and supporting references are included in the controlled TIMS and are labeled qualified, accepted, or unqualified in accordance with the YMP QA program.
- Project-generated data cited in record and/or records packages in the format of graphics, tables, figures, parameter values, and maps must include the DTN for the cited data. DTNs cited in the body of the text should be included in the reference section of the document. The data cited by DTN must be resident in the TDMS. Data or information from other sources must have appropriate TIMS identifiers (e.g., TIC or RIS number) and be accessible through the TIMS.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

ELEMENT DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Support Post-Final Environmental Impact Statement Activities (M&O Contractor)

MULTIYEAR DESCRIPTION/WORK SCOPE

This element covers the duration of FY02 only, unless otherwise stated. Work scopes and duration for these work scopes are defined below.

SCOPE OF WORK 1—PROVIDE OVERALL NEPA TECHNICAL AND PROCEDURAL EXPERTISE AND ASSISTANCE

Description

Provide overall NEPA technical and procedural expertise to support development of approaches to compliance with NEPA strategic planning, development of guidelines and criteria to assist DOE in the management and execution of a NEPA program, and reviews of internal and external products to ensure overall compliance with NEPA and consistency with the OCRWM NEPA goals and direction.

Provide planning, M&O coordination, and NEPA technical and procedural expertise to support preparation of the repository NEPA documents.

Provide support for preparation of special products related to NEPA documents.

Develop and review approaches to compliance with NEPA.

Provide direct support to assist the development of approaches for preparation of the NEPA documents.

Provide coordination of all reviews on preliminary NEPA documents.

Develop technical guidelines and criteria to assist DOE in the management and execution of NEPA product development.

Facilitate and assist DOE in the preparation of NEPA documents.

Maintain the NEPA AR and reference library.

Support federal and state agency and public participation in the NEPA process.

Rationale

Providing overall NEPA technical and procedural expertise and assistance in comment resolution is not specifically required in either the NEPA or Environmental Quality Improvement Act. The requirement is driven by specific needs of DOE to have available experts in the field of NEPA compliance, regulations, and procedures.

A requirement to respond to comments from the public is a matter of regulation. The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS comment resolution and response. They are codified in 40 CFR 1503.1, as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1502—EIS, Section 1502.9, Draft, Final, and Supplemental Statements

Except for proposals for legislation, as provided in Section 1506.8, EISs shall be prepared in two stages and may be supplemented.

- (a) Draft EISs shall
- (b) Final EISs shall
- (c) Agencies:
 - (1) Shall prepare supplements to either draft or final EISs if:
 - (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns.
 - (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
 - (2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.
 - (3) Shall adopt procedures for introducing a supplement into its formal AR, if such a record exists.
 - (4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the council.

Title 10 Energy CHAPTER X—DEPARTMENT OF ENERGY (GENERAL PROVISIONS) PART 1021—National Environmental Policy Act Implementing Procedures.

1021.314 (c) When it is unclear whether or not an EIS supplement is required, DOE shall prepare a Supplement Analysis.

- (1) The Supplement Analysis shall discuss the circumstances whether to prepare a supplemental EIS, pursuant to 40 CFR 1502.9(c).

- (2) The Supplement Analysis shall contain sufficient information for DOE to determine whether: (i) An existing EIS should be supplemented; (ii) A new EIS should be prepared; or (iii) No further NEPA documentation is required.

1021.331 (a) Following completion of each EIS and its associated ROD, DOE shall prepare a Mitigation Action Plan that addresses mitigation commitments expressed in the ROD. The Mitigation Action Plan shall explain how the corresponding mitigation measures, design to mitigate adverse environmental impacts associated with the course of action directed by the ROD, will be planned and implemented.

Deliverables

There are no Level 3 deliverables for the Overall NEPA Technical and Procedural Expertise and Assistance work scope, but the following services are required:

- Draft responses to comments, as directed by DOE.
- Draft position papers, issue papers, white papers, and other documents, as directed by DOE to explain, determine the requirements for, provide guidance for, or otherwise assist DOE in complying with NEPA.

Duration

This work scope is for FY02 only and is a continuation of the FY01 work scope under the Final EIS subproduct and Support Final EIS Development element. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SCOPE OF WORK 2—PREPARE A MITIGATION ACTION PLAN

Description

The EIS contractor will prepare a draft Mitigation Action Plan for review by DOE. The draft Mitigation Action Plan will consist of a description of and plan for identifying and complying with all mitigation actions necessary and sufficient to fulfill the requirements of the final EIS commitments.

The M&O will assist DOE with the review, comment, and comment resolution process for the draft Mitigation Action Plan.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS Mitigation Action Plans. They are codified in 40 CFR 1505.3, as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as

amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1505—NEPA and Agency Decision Making, Section 1505.3, Implementing the Decision

Agencies may provide for monitoring to ensure that their decisions are carried out and should do so in important cases. Mitigation [Section 1505.2(c)] and other conditions established in the EIS or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency. The lead agency shall:

- (a) Include appropriate conditions in grants, permits or other approvals.
- (b) Condition funding of actions on mitigation.
- (c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision.
- (d) Upon request, make available to the public the results of relevant monitoring.

Deliverables

There are no deliverables required for this work scope.

Duration

This scope of work covers the duration of FY02 only. Work within this work scope will begin in FY02 and end in FY02.

SCOPE OF WORK 3—DEVELOP MATERIALS SUPPORTING A DOE DECISION

Description

As requested, the M&O will assist DOE in developing materials supporting a decision or decisions resulting from DOE action on materials presented in the final EIS or other NEPA documents, if required.

The M&O will assist DOE with the review, comment, and comment resolution process for materials and necessary supporting environmental impact documentation required to support any NEPA decisions related to the YMP. This material must be sufficient under the requirements of NEPA to present the decision and rationale for the decision with references to the bases for these decisions.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS records of decision. They are codified in 40 CFR 1505.2, as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1505—NEPA and Agency Decision Making, Section 1505.2, Record of Decision in Cases Requiring EISs

At the time of its decision (Section 1506.10), or if appropriate, its recommendation to Congress, each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, including that required by OMB Circular A-95 (revised), Part I, Sections 6(c) and 6(d), and Part II, Section 5(b)(4), shall:

- (a) State what the decision was.
- (b) Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors, including economic and technical considerations and agency statutory missions. An agency shall identify and discuss all such factors, including any essential considerations of national policy which were balanced by the agency in making its decision, and state how those considerations entered into its decision.
- (c) State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation.

Deliverables

There are no Level 3 deliverables for the Develop Materials Supporting a DOE Decision work scope, but the following services are required:

- Draft position papers, issue papers, white papers, and other documents, as directed by DOE, to explain, determine requirements for, provide guidance for, or otherwise assist DOE in the preparation of materials supporting a decision or decisions, if any, related to the materials presented in the final EIS.

Duration

This work scope covers the duration of FY02 only. Work within this work scope will begin in FY02 and will end in FY02. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SCOPE OF WORK 4—PREPARE SEMIANNUAL NEPA COMPLIANCE ANALYSES

Description

Provide semiannual NEPA Compliance analyses to DOE describing changes to the design, TSPA, scientific or environmental elements of the program that could affect the environmental impacts described

in the final EIS or in the Mitigation Action Plan implementation. Within these reports provide an analysis as to whether these changes result in substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, or otherwise affect the implementation of mitigation actions described in the Mitigation Action Plan.

Rationale

The Council on Environmental Quality and DOE regulations define specific requirements to determine the adequacy of “old” EISs and for supplement analysis(es). They are codified in 40 CFR Part 1502.9 and 10 CFR 1021.314 and .331 as stated in the element-specific requirements or commitments block below. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements.

Requirements/Commitments

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council on Environmental Quality, Part 1502—EIS, Section 1502.9, Draft, Final, and Supplemental Statements

Except for proposals for legislation, as provided in Section 1506.8, EISs shall be prepared in two stages and may be supplemented.

(d) Draft EISs shall

(e) Final EISs shall

(f) Agencies:

(5) Shall prepare supplements to either draft or final EISs if:

(iii) The agency makes substantial changes in the proposed action that are relevant to environmental concerns.

(iv) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

(6) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

(7) Shall adopt procedures for introducing a supplement into its formal AR, if such a record exists.

(8) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft and final statement unless alternative procedures are approved by the council.

Title 10 Energy CHAPTER X—DEPARTMENT OF ENERGY (GENERAL PROVISIONS)
PART 1021—National Environmental Policy Act Implementing Procedures.

1021.314 (c) When it is unclear whether or not an EIS supplement is required, DOE shall prepare a Supplement Analysis.

(3) The Supplement Analysis shall discuss the circumstances whether to prepare a supplemental EIS, pursuant to 40 CFR 1502.9(c).

(4) The Supplement Analysis shall contain sufficient information for DOE to determine whether: (i) An existing EIS should be supplemented; (ii) A new EIS should be prepared; or (iii) No further NPEA documentation is required.

1021.332 (a) Following completion of each EIS and its associated ROD, DOE shall prepare a Mitigation Action Plan that addresses mitigation commitments expressed in the ROD. The Mitigation Action Plan shall explain how the corresponding mitigation measures, design to mitigate adverse environmental impacts associated with the course of action directed by the ROD, will be planned and implemented.

Deliverables

There are two Level 3 deliverables required for this work scope:

- Deliverable SSES46M3, Submit Proposed Semiannual EA Report for DOE Acceptance Review.
- Deliverable SSES49M3, Submit Proposed Semiannual EA Report for DOE Acceptance Review.

Duration

This work scope covers the duration of FY02 only. Work within this work scope will begin in FY02 and will end in FY02. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SCOPE OF WORK 5—SUPPORT NRC ADOPTION OF EIS

Description

The NWPA, as amended, requires the NRC to adopt, to the maximum extent practicable, the DOE EIS prepared in support of the SR. Provide coordination with the NRC and support in addressing the questions and issues raised during the process. Ongoing ES&H support, as needed, will be provided for additional data acquisition and analysis required to complete the process. Typical areas addressed by this task include NEPA coordination and compliance, environmental studies and compliance, land access/land use, radiological, terrestrial ecosystems, socioeconomics, and environmental justice.

Rationale

The NWPA, as amended, Subtitle A, Repositories for Disposal of HLW and SNF, Section 114, Site Approval and Construction Authorization, (f) EIS, (4) define, among others, specific requirements for NRC adoption of EIS. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

Requirements/Commitments

Authority: NWPA, as amended (42 USC 10133, et seq.).

Subtitle A, Repositories for Disposal of HLW and SNF, Section 114, Site Approval and Construction Authorization, (f) EIS

- (4) Any EIS prepared in connection with a repository proposed to be constructed by the Secretary under this subtitle shall, to the extent practicable, be adopted by the NRC in connection with the issuance by the NRC of a construction authorization and license for such repository. To the extent such statement is adopted by the NRC, such adoption shall be deemed to also satisfy the responsibilities of the NRC under the NEPA [42 USC 4321, et seq.] and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the NRC to protect the public health and safety under the Atomic Energy Act of 1954 (42 USC 2011, et seq.).

Deliverables

There are no Level 3 deliverables required for the Support NRC Adoption of the EIS work scope, but the following services are required:

- Draft position papers, issue papers, white papers, and other documents, as directed by DOE, to explain, determine requirements for, provide guidance for, or otherwise assist DOE in supporting NRC adoption of the EIS.
- Acquire data and/or analyze reports, as requested by DOE.
- Draft position papers, issue papers, white papers, and other documents discussing potential strategies for resolution of NRC concerns or issues.
- Prepare presentation materials for use by DOE in presenting issue resolution proposals to NRC.

Duration

This work scope covers the duration of FY02 only. Work within this work scope will begin in FY02 and will end in FY02. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SCOPE OF WORK 6—COMPLETION OF THE AR FOR THE EIS

Description

This element includes all activities required to complete the AR for the repository EIS (final EIS and supporting documents). Activities include development of an adequate records management system, gathering EIS records appropriate for inclusion in the AR, and entering records into the system. Records should be entered into the record system as soon after creation as practical. This element also supports any necessary maintenance/restructuring/supplementation of the AR needed to support general NEPA compliance, such as support to decision documents, challenges to the adequacy of the EIS or the AR, SR, and the licensing process.

The M&O will perform work associated with the completion of the AR for the repository EIS, including:

- Delivery to the M&O Record Center all records and records packages needed to support an adequate EIS AR, including coordination and assisting with those provided by the EIS contractor and MTS and those created by the M&O. To ensure all pertinent records are captured in the system, records and records packages should be transferred on a continuous basis and no later than one month after the record is created.
- Processing records packages into the M&O records system.
- Coordination with appropriate DOE Headquarters offices (GC and EH) to confirm inclusion/exclusion of documents, as needed.
- Routine maintenance of the AR.

The M&O will complete all work associated with supporting ongoing NEPA compliance activities for the YMP associated with the AR for the postrepository EIS timeframe, including:

- Restructuring/maintenance of the AR to enhance retrieval of records.
- Supplementation of the AR, as required for post-EIS records, such as public comments and DOE's response to those comments on the final EIS, updated records or reports documenting changes in EIS supporting documentation, decision documents, environmental analyses to augment the SR or LA processes, and so forth.
- Support challenges to the EIS or AR by performing records retrieval, reproduction, and distribution, as necessary.

Rationale

The requirement is driven by specific needs of DOE to maintain and have available a complete and defensible record of the development of the EIS.

Requirements/Commitments

Maintenance of an AR is not specifically required in either the NEPA or the Environmental Quality Improvement Act.

Deliverables

There are two Level 3 deliverables required for this work scope:

- New deliverable, Conduct an Independent AR Adequacy Review.
- Deliverable SSES44M3, Complete Delivery of All Records and Records Packages Required as Part of the Draft or Final EIS to the M&O Records Center for Entry Into the RIS.

Duration

This work scope is for FY02 only and is a continuation of the FY01 work scope under the Final EIS subproduct and Support Final EIS Development element.

SCOPE OF WORK 7—CONSULTATIONS AND COORDINATIONS, INCLUDING THOSE WITH NATIVE AMERICAN TRIBES

Description

This work scope includes all activities necessary and sufficient for consultations and coordinations required by the Council on Environmental Quality regulations, including those with Native American Tribes. This element also includes the following LOE activities:

- Meeting requirements of the American Indian Religious Freedom Act and programmatic agreement with respect to consultation and interactions with 17 official tribes and tribal organizations.
- Conducting YMP site visits accompanying Native American representatives to help ensure cultural resources protection.
- Providing support to archeological resource activities, as required.
- Conducting YMP site and archeological laboratory visits for cultural resource monitoring, the NAGPRA consultations, and educational purposes.
- Organizing, coordinating, and supporting YMP update meetings with the Consolidated Group of Tribes and Organizations.
- Providing support to institutional efforts, including open houses, public update meetings, lectures, and consultations.
- Developing responses and commitments to Native American recommendations received during tribal update meetings, site visits, or subgroup workshops.
- Conducting consultations and interactions with Native Americans to assist them in developing or modifying data and reference reports applicable to the YMP.
- Addressing Native American concerns and issues from developing a repository at Yucca Mountain.

Rationale

The NEPA and the Environmental Quality Improvement Act define, among others, specific requirements for EIS consultations and coordinations. They are codified in 40 CFR 1502.25. as stated in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for consultation and coordination.

In addition, the following statutes, regulations, and directives define further Native American Consultations and Coordinations:

- National Historic Preservation Act.
- Archeological Resources Protection Act.
- American Indian Religious Freedom Act of 1978.
- NAGPRA.

- Antiquities Act.
- EO 11593, National Historic Preservation.
- EO 13007, Indian Sacred Sites.

They are defined in the requirements section for the Consultations and Coordinations work scope. The specific work scope defined above and the typical products defined below are required to fully comply with the additional requirements for Native American interactions.

Technical Assumptions

Estimates are based on the assumption that the environmental program will continue to conduct Native American consultations and interactions with the Consolidated Group of Tribes and Organizations regarding protection of cultural resources and documentation of religious values and beliefs.

Two Native American update meetings and site visits will be held during each year from FY01–FY04 in accordance with programmatic agreements. In addition, NAGPRA consultations will be conducted, as needed, to determine if any cultural resources in the YMP inventory are eligible for repatriation in accordance with regulatory requirements.

Requirements/Commitments

Authority: NEPA; the Environmental Quality Improvement Act of 1970, as amended (42 USC 4371, et seq.); Section 309 of the Clean Air Act, as amended (42 USC 7609); and EO 11514, March 5, 1970, as amended by EO 11991, May 24, 1977. Source: 43 FR 55997, November 29, 1978, unless otherwise noted.

Title 40, Protection of Environment, Chapter V, Council of Environmental Quality, Part 1502—EIS, Section 1502.25, Environmental Review and Consultation Requirements

- (a) To the fullest extent possible, agencies shall prepare draft EISs concurrently and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 USC 661, et seq.); National Historic Preservation Act of 1966 (16 USC 470, et seq.); Endangered Species Act of 1973 (16 USC 1531, et seq.); and other environmental review laws and EOs.
- (b) The draft EIS shall list all federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a federal permit, license, or other entitlement is necessary, the draft EIS shall so indicate.

The Council on Environmental Quality regulations cited above implementing the procedural provisions of the NEPA require certain coordination or consultations with federal, state, and local agencies, as appropriate, with regard to potential environmental impacts resulting from the proposed action. Such agencies can include those with authority to issue permits, licenses, and other regulatory approvals. Other agencies include those responsible for protecting such significant resources as endangered species, wetlands, or historic properties. For this EIS, the agencies listed are considered to be those required for consultation or coordination under the provisions of the Council on Environmental Quality regulations:

- Affected units of local government.
- USAF.
- BLM.

- U.S. DOT.
- EPA.
- FWS.
- National Park Service.
- Native American Tribes and Organizations.
- U.S. Navy.
- Nevada DOT.
- NRC.
- U.S. Department of Agriculture.
- Council on Environmental Quality.

Specific requirements are discussed below.

National Historic Preservation Act, as Amended (16 USC 470, et seq.)

The National Historic Preservation Act provides for the placement of sites with significant national historic value on the *National Register of Historic Places*. It requires no permits or certifications. DOE would evaluate activities associated with a repository at Yucca Mountain to determine whether they would affect historic resources. If required after this evaluation, DOE would consult with the Advisory Council on Historic Preservation. Such a consultation generally results in the development of an agreement that includes stipulations to be followed to minimize or mitigate potential adverse impacts to an historic resource (see Table 11-2, Item 9). DOE has entered into a programmatic agreement with the Advisory Council on Historic Preservation for implementation of the National Historic Preservation Act for site characterization activities. This agreement requires DOE to consult and interact with Native Americans during site characterization. In compliance with the agreement provisions, Native American representatives from the Southern Paiute, Western Shoshone, and Owens Valley Paiute and Shoshone Tribes have reviewed site characterization activities on the site twice each year. These reviews have been followed by discussions between Native American representatives and DOE personnel, submittal of comments by the Native American representatives, and responses to the comments by DOE. If the proposed site were authorized, the implementing agreement would be modified, as appropriate, and additional consultations would occur.

Archeological Resources Protection Act, as Amended (16 USC 470aa, et seq.)

The Archeological Resources Protection Act requires a permit for excavation or removal of archeological resources from publicly held or Native American lands (see Table 11-2, Item 11). Excavations must further archeological knowledge in the public interest, and the resources removed are to remain the property of the United States. If a resource is found on land owned by a Native American tribe, the tribe must give its consent before a permit is issued, and the permit must contain terms or conditions requested by the tribe. Requirements of the Archeological Resources Protection Act would apply to any YMP excavation activities that resulted in identification of archeological resources.

American Indian Religious Freedom Act of 1978 (42 USC 1996)

The American Indian Religious Freedom Act reaffirms Native American religious freedom under the First Amendment and establishes policy to protect and preserve the inherent and constitutional right of Native Americans to believe, express, and exercise their traditional religions. This law ensures the protection of sacred locations and access of Native Americans to those sacred locations and traditional resources that are integral to the practice of their religions. Further, it establishes requirements that would

apply to any Native American sacred locations, traditional resources, or traditional religious practices potentially affected by the construction and operation of a repository at Yucca Mountain.

NAGPRA of 1990 (25 USC 3001)

The NAGPRA directs the Secretary of the Interior to guide the repatriation of federal archeological collections and collections that are culturally affiliated with Native American tribes and held by museums that receive federal funding. Major actions to be taken under this law include:

- (1) The establishment of a review committee with monitoring and policymaking responsibilities.
- (2) The development of regulations for repatriation, including procedures for identifying lineal descent or cultural affiliation needed for claims.
- (3) The oversight of museum programs designed to meet the inventory requirements and deadlines of this law.
- (4) The development of procedures to handle unexpected discoveries of graves or grave goods during activities on federal or tribal land.

The provisions of the NAGPRA would be invoked if any excavations associated with a repository at Yucca Mountain led to unexpected discoveries of Native American graves or grave artifacts. DOE and the Southern Paiute, Western Shoshone, and Owens Valley Paiute and Shoshone Tribes have entered an agreement to address the potential applicability of the NAGPRA to cultural resources collected during site characterization activities at the Yucca Mountain site.

Antiquities Act (16 USC 431, et seq.)

The Antiquities Act protects historic and prehistoric ruins, monuments, and objects of antiquity, including paleontological resources, on lands owned or controlled by the federal government. If historic or prehistoric ruins or objects were found during the construction or operation of facilities associated with a repository at Yucca Mountain, DOE would have to determine whether adverse effects to these ruins or objects would occur. If adverse effects would occur, the Secretary of the Interior would have to grant permission to proceed with the activity (36 CFR 296, 43 CFR 3, and 43 CFR 7) (see Table 11-2, Item 10).

EO 11593, National Historic Preservation

This order directs federal agencies, including DOE, to locate, inventory, and nominate properties under their jurisdiction or control to the *National Register of Historic Places*. This process requires DOE to provide the Advisory Council on Historic Preservation the opportunity to comment on the possible impacts of proposed activities.

EO 13007, Indian Sacred Sites

This order directs federal agencies, to the extent permitted by law and not inconsistent with agency missions, to avoid adverse effects to sacred sites and to provide access to those sites to Native Americans for religious practices. The order directs agencies to plan projects to provide protection of and access to sacred sites to the extent compatible with the project.

Deliverables

There are no Level 3 deliverables required for the Consultations and Coordinations work scope, but the following services are required:

- Prepare rapid response briefing information.
- Gather technical information on specific issues.
- Prepare white papers describing issues, proposed policies, resolutions of issues, and so forth.
- Support YMSCO at meetings and conferences, as required.
- Prepare meeting minutes or provide meeting notes, as prescribed by DOE.
- Provide rapid response for Headquarters questions or data needs.

Duration

This work scope covers the duration of FY02 only within this subproduct and element and is a continuation of the FY01 work scope under the Final EIS subproduct and Support Final EIS Development element. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SCOPE OF WORK 8—NEVADA TRANSPORTATION

Description

This work scope includes all activities necessary and sufficient to fully develop and implement a transportation program within the state of Nevada, including:

- Development, integration, and implementation of transportation policies and implementation within the state of Nevada.
- Formulation of options, representing YMSCO, as required, at meetings and conferences.
- Preparation of any required environmental regulatory information needed to support the EIS, including agency consultations.
- Provision of technical support to the DOE EIS Product Manager.
- Preparation of reports, as needed, to document findings from previous studies to support the EIS.

Rationale

The NEPA and Environmental Quality Improvement Act define, among others, specific requirements for EIS consultations and coordinations. They are codified in 40 CFR 1502.25, as stated in the requirements/commitments. Additionally, the NWPA (42 USC 10101) provides specific requirements for transportation of SNF and HLW, both nationally and within the state of Nevada. Many other regulations also apply, as defined in the requirements/commitments. The specific work scope defined above and the typical products defined below are required to fully comply with the requirements for Nevada transportation coordination.

Requirements/Commitments

NWPA, as amended, requires DOE to provide assistance for training of state, local, and tribal personnel who might be affected by spent commercial fuel transportation. This is relevant to advance planning, routing decisions, consignment scheduling, shipment tracking, and delivery verification and feedback [Part 180(c)].

Under Title 10 of the CFR (Energy), the following parts are relevant to DOE transportation activities:

- 10 CFR 20 mandates the use of a manifest by a hazardous waste generator licensee.
- 10 CFR 71 contains NRC requirements for approved Type B packages for shipments of radioactive materials (Subpart E) and includes definitions of various materials and subsets relevant to material characterization (71.4).
- 10 CFR 73 provides for NRC approval of rail and highway routes used for shipments of SNF; sets forth escort and notification requirements relevant to consignment scheduling, routing decisions, and shipment tracking; and provides for operational and emergency response training requirements for material handling (Appendix D). These are relevant to documentation, marking, labeling, placarding, material handling, and package selection. It also includes definitions of various material and subsets (73.2) and exemptions for certain materials (73.6).
- 10 CFR 1021 contains steps to be taken by DOE to be in compliance with NEPA. These are relevant to the advance planning process.

Title 29 of the CFR (Occupational Safety and Health), Part 1910, covers hazardous substance cleanup, remediation, and response operations and includes safety, health, and site characterization requirements needed for operational and emergency response training under OSHA mandates. OSHA regulations are relevant to material handling, documentation, marking, labeling, placarding, and package selection (1910.120).

Under Title 40 of the CFR (Environmental Quality), the following parts are relevant to DOE transportation planning and implementation activities:

- 40 CFR 261 identifies those solid wastes to be managed as hazardous wastes and exclusions and discusses characteristics and properties of ignitability, corrosiveness, reactivity, or toxicity relevant to material characterization.
- 40 CFR 262 mandates the use and form of the Uniform Hazardous Waste manifest for shipment documentation. Part 1500 contains the Council on Environmental Quality implementing regulations relevant to DOE's advance planning process for transportation (1500.08).

Under Title 49 of the CFR (Transportation), the following parts are relevant to DOE transportation activities:

- 49 CFR 171 provides general information and definitions needed for material characterization and governs notifications when radioactive material incidents involve a release (171.15).
- 49 CFR 172 lists and classifies hazardous materials and related requirements in the hazardous materials table; contains requirements for proper entries on shipping papers and use of the hazardous

waste manifest (Subpart C); contains marking (Subpart D), labeling (Subpart E), and placarding (Subpart F) requirements; describes shipper and carrier responsibilities; contains emergency response requirements relevant to transport mode selection and provides emergency response information for shipping papers (Subpart G); and contains hazardous materials employee operational training requirements (Subpart H).

- 49 CFR 173 covers the preparation of hazardous materials for transportation (Subpart B), DOT performance-based packaging requirements, material preparation and packaging requirements or exceptions (Subpart C), and shipper responsibility for hazardous materials classification and consignee notification (173.22).
- 49 CFR 174 contains general handling and loading requirements or exceptions (Subpart C) and shipping regulations based on mode of carriage (174.177).
- 49 CFR 175 contains loading, unloading, and handling requirements (Subpart B).
- 49 CFR 176 contains general handling and storage requirements for shipments by water (Subpart C) and covers radioactive incidents involving a release of material (176.710).
- 49 CFR 177 contains loading and unloading requirements for shipments by public highway (Subpart B).
- 49 CFR 397 sets forth DOT requirements related to routing decisions and communication of route plans, risk avoidance measures for carriers, tracking and communications while shipments are under way, and DOT/FHWA notification after an HRCQ shipment is accepted (397.101) and specifies the FHWA procedures by which states may establish designated routes (397.103).

Title 49 of the USC (Transportation), Part 51165, provides information on technical assistance involving DOT planning and training grants relevant to the advance planning process, routing decisions, shipment tracking, and delivery verification and feedback. Regulations pursuant to this section of the USC are found at 49 CFR 110.

Deliverables

There are no Level 3 deliverables for the Nevada Transportation work scope, but the following services are required:

- Attend meetings and workshops relating to Nevada transportation, such as DOE/NV and Transportation External Coordination Working Group meetings.
- Gather EIS-related technical information on Nevada transportation to fill additional data needs.
- Support YMSCO at meetings and conferences, as required.
- Provide EIS-related route evaluations, as needed.
- Provide rapid response for EIS transportation-related Headquarters questions or data needs.

Duration

This work scope covers the duration of FY02 only within this subproduct and element and is a continuation of the FY01 work scope under the Final EIS subproduct and Support Final EIS Development element. This work scope continues beyond FY02 under the LA product, Technical and Regulatory Implementation subproduct, and National Environmental Policy Act Compliance element.

SPECIFIC FY01 WORK SCOPE/DELIVERABLES

This element contains no work scope or deliverables for FY01.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Support Post-Final Environmental Impact Statement Activities (M&O Contractor)
Deliverable: Proposed Semiannual NEPA Compliance Analyses for Department of Energy
Acceptance Review (12/28/01)
Deliverable No.: SSES46M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Provide semiannual NEPA Compliance analyses to DOE describing changes to the design, TSPA, scientific or environmental elements of the program that could affect the environmental impacts described in the final EIS or in the Mitigation Action Plan implementation. Within these reports provide an analysis as to whether these changes result in substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, or otherwise affect the implementation of mitigation actions described in the Mitigation Action Plan.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The Proposed Semiannual NEPA Compliance Analyses shall be delivered to the EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Support Post-Final Environmental Impact Statement Activities (M&O Contractor)
Deliverable: Proposed Semiannual NEPA Compliance Analyses for Department of Energy
Acceptance Review (06/28/02)
Deliverable No.: SSES49M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Provide semiannual NEPA Compliance analyses to DOE describing changes to the design, TSPA, scientific or environmental elements of the program that could affect the environmental impacts described in the final EIS or in the Mitigation Action Plan implementation. Within these reports provide an analysis as to whether these changes result in substantial changes in the proposed action that are relevant to environmental concerns; or there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts, or otherwise affect the implementation of mitigation actions described in the Mitigation Action Plan.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The Proposed Semiannual NEPA Compliance Analyses shall be delivered to the EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Support Post-Final Environmental Impact Statement Activities (M&O Contractor)
Deliverable: Conduct an Independent Administrative Record Adequacy Review (11/30/01)
Deliverable No.: New

DELIVERABLE DESCRIPTION/WORK SCOPE

This activity includes all actions necessary and sufficient to prepare for, implement, document, and complete an independent adequacy review of the AR of the repository EIS (final EIS and supporting documents). The purpose of the independent adequacy review is to provide a review of the adequacy of the AR by competent and independent individuals who were not involved in the preparation of any portion of the AR. The review shall include a review of the records and/or records packages that form the AR of the repository EIS. It shall ensure that, taken as a whole, the AR is complete and sufficient to document contractor and DOE activities that generated the repository EIS (final EIS and supporting documents).

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The Independent AR Adequacy Review of the repository EIS (final EIS and supporting documents) shall be delivered to the DOE EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

The report shall document:

- The results of the review.
- The methodologies used in the performance of the review.
- The documents that were specifically reviewed.
- Any documents that were found to have specific deficiencies that require correction.
- All specific recommendations made by the review team.

This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.

DELIVERABLE DEFINITION SHEET

Product: Environmental Impact Statement
Subproduct: Post-Final Environmental Impact Statement Issuance Activities
Element: Support Post-Final Environmental Impact Statement Activities (M&O Contractor)
Deliverable: Complete Delivery of All Environmental Impact Statement Records and Records Packages to the Management and Operating Contractor's Records Center (12/31/01)
Deliverable No.: SSES44M3

DELIVERABLE DESCRIPTION/WORK SCOPE

Complete all records and/or records packages that are necessary and sufficient to document all contractor and DOE activities required to be documented in the AR for the repository EIS (final EIS and supporting documents). This includes completion of all work associated with finalization of the AR for the repository EIS.

ACCEPTANCE CRITERIA (specific criterion by which the Department of Energy determines whether the deliverable is accepted, rejected, or accepted with conditions)

The M&O shall prepare a letter to the DOE EIS Product Manager documenting the completion of all records and/or records packages that are necessary and sufficient to document the repository EIS (final EIS and supporting documents). The letter shall be delivered to the DOE EIS COR/TM and reviewed in accordance with the most current approved version of applicable AP-7.5Q requirements. This is to ensure that the deliverable is complete and conforms to all aspects of the deliverable description and acceptance criteria specified below.

This deliverable shall be validated by an independent AR adequacy review. DOE acceptance of the independent AR adequacy review shall constitute the final DOE acceptance of the completeness of the AR. The M&O will provide additional records to satisfy any negative findings from the adequacy review.

This deliverable will be considered accepted by DOE when it has successfully completed the AP-7.5Q review.

COMPLETION CRITERIA (specific criterion used to determine that a deliverable is complete and ready for submittal to the Department of Energy for acceptance review)

This deliverable shall be considered complete when delivered by the EIS contractor to DOE for acceptance review in accordance with the most current approved version of the AP-7.5Q requirements and is logged into the deliverable review database.